

1-1 By: Madden (Senate Sponsor - Whitmire) H.B. No. 1610
1-2 (In the Senate - Received from the House April 18, 2007;
1-3 April 19, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 4, 2007, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 4, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the requirement that a judge release on community
1-9 supervision certain defendants convicted of certain state jail
1-10 felonies.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 15(a)(1), Article 42.12, Code of
1-13 Criminal Procedure, is amended to read as follows:

1-14 (1) On conviction of a state jail felony under Section
1-15 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or
1-16 481.129(g)(1), Health and Safety Code, that is punished under
1-17 Section 12.35(a) or 12.44(a), Penal Code, the judge shall suspend
1-18 the imposition of the sentence and place the defendant on community
1-19 supervision, unless the defendant has previously been convicted of
1-20 a felony, other than a felony punished under Section 12.44(a),
1-21 Penal Code, in which event the judge may suspend the imposition of
1-22 the sentence and place the defendant on community supervision or
1-23 may order the sentence to be executed. The provisions of this
1-24 subdivision requiring the judge to suspend the imposition of the
1-25 sentence and place the defendant on community supervision do not
1-26 apply to a defendant who under Section 481.1151(b)(1), Health and
1-27 Safety Code, possessed more than five abuse units of the controlled
1-28 substance or under Section 481.121(b)(3), Health and Safety Code,
1-29 possessed more than one pound of marihuana.

1-30 SECTION 2. The change in law made by this Act applies only
1-31 to a defendant who is convicted of a state jail felony on or after
1-32 the effective date of this Act. A defendant convicted before the
1-33 effective date of this Act is covered by the law in effect on the
1-34 date of the conviction, and the former law is continued in effect
1-35 for that purpose.

1-36 SECTION 3. This Act takes effect September 1, 2007.

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