

1-1 By: Frost, Lucio III (Senate Sponsor - Zaffirini) H.B. No. 2115
1-2 (In the Senate - Received from the House May 1, 2007;
1-3 May 2, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 18, 2007, sent to printer.)

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

1-8 relating to a defendant's eligibility for deferred adjudication of
1-9 certain intoxication offenses.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 5(d), Article 42.12, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 (d) In all other cases the judge may grant deferred
1-14 adjudication unless:

1-15 (1) the defendant is charged with an offense:

1-16 (A) under Sections 49.04-49.08 [~~Section 49.04,~~
1-17 ~~49.05, 49.06, 49.07, or 49.08~~], Penal Code; or

1-18 (B) for which punishment may be increased under
1-19 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it
1-20 is shown that the defendant has been previously convicted of an
1-21 offense for which punishment was increased under any one of those
1-22 subsections; or

1-23 (2) the defendant:

1-24 (A) is charged with an offense under Section
1-25 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the
1-26 victim, or a felony described by Section 13B(b) of this article;
1-27 and

1-28 (B) has previously been placed on community
1-29 supervision for any offense under Paragraph (A) of this
1-30 subdivision.

1-31 SECTION 2. The change in law made by this Act applies only
1-32 to an offense committed on or after the effective date of this Act.
1-33 An offense committed before the effective date of this Act is
1-34 covered by the law in effect when the offense was committed, and the
1-35 former law remains in effect for that purpose. For purposes of this
1-36 section, an offense was committed before the effective date of this
1-37 Act if any element of the offense was committed before that date.

1-38 SECTION 3. This Act takes effect September 1, 2007.

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