

By: Turner

H.B. No. 3214

A BILL TO BE ENTITLED

AN ACT

1
2 relating to mitigation of certain excessive punishment imposed for
3 a criminal conviction.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 44, Code of Criminal Procedure, is
6 amended by adding Article 44.26 to read as follows:

7 Art. 44.26. MITIGATION OF SENTENCE. (a) An appellate court
8 may reform or vacate a sentence as one in violation of Section 13,
9 Article I, Texas Constitution, if the defendant shows gross
10 disproportionality with respect to the harshness of the sentence as
11 compared to the gravity of the offense or the violation of a
12 condition of community supervision, as applicable. In evaluating
13 the proportionality of a sentence under this subsection, the
14 appellate court must accord substantial deference to the policy
15 judgments of the legislature as reflected in the terms of sentences
16 mandated under state law.

17 (b) An appellate court may reduce a period of imprisonment
18 imposed by a judge who is known to the court to habitually render
19 maximum sentences in criminal cases under the jurisdiction of the
20 convicting court.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.