

By: Seliger

S.B. No. 877

Substitute the following for S.B. No. 877:

By: Pena

C.S.S.B. No. 877

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a limitation on judge-ordered community supervision for
3 certain defendants convicted of first-degree felony injury to a
4 child.

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

6 SECTION 1. Section 3g(a), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) The provisions of Section 3 of this article do not
9 apply:

10 (1) to a defendant adjudged guilty of an offense
11 under:

12 (A) Section 19.02, Penal Code (Murder);

13 (B) Section 19.03, Penal Code (Capital murder);

14 (C) Section 21.11(a)(1), Penal Code (Indecency
15 with a child);

16 (D) Section 20.04, Penal Code (Aggravated
17 kidnapping);

18 (E) Section 22.021, Penal Code (Aggravated
19 sexual assault);

20 (F) Section 29.03, Penal Code (Aggravated
21 robbery);

22 (G) Chapter 481, Health and Safety Code, for
23 which punishment is increased under:

24 (i) Section 481.140, Health and Safety

1 Code; or

2 (ii) Section 481.134(c), (d), (e), or (f),
3 Health and Safety Code, if it is shown that the defendant has been
4 previously convicted of an offense for which punishment was
5 increased under any of those subsections; [~~or~~]

6 (H) Section 22.011, Penal Code (Sexual assault);
7 or

8 (I) Section 22.04(a)(1), Penal Code (Injury to a
9 child, elderly individual, or disabled individual), if the offense
10 is punishable as a felony of the first degree and the victim of the
11 offense is a child; or

12 (2) to a defendant when it is shown that a deadly
13 weapon as defined in Section 1.07, Penal Code, was used or exhibited
14 during the commission of a felony offense or during immediate
15 flight therefrom, and that the defendant used or exhibited the
16 deadly weapon or was a party to the offense and knew that a deadly
17 weapon would be used or exhibited. On an affirmative finding under
18 this subdivision, the trial court shall enter the finding in the
19 judgment of the court. On an affirmative finding that the deadly
20 weapon was a firearm, the court shall enter that finding in its
21 judgment.

22 SECTION 2. Section 508.145(d), Government Code, is amended
23 to read as follows:

24 (d) An inmate serving a sentence for an offense described by
25 Section 3g(a)(1)(A), (C), (D), (E), (F), (G), [~~or~~] (H), or (I),
26 Article 42.12, Code of Criminal Procedure, or for an offense for
27 which the judgment contains an affirmative finding under Section

1 3g(a)(2) of that article, is not eligible for release on parole
2 until the inmate's actual calendar time served, without
3 consideration of good conduct time, equals one-half of the sentence
4 or 30 calendar years, whichever is less, but in no event is the
5 inmate eligible for release on parole in less than two calendar
6 years.

7 SECTION 3. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 covered by the law in effect when the offense was committed, and the
11 former law is continued in effect for that purpose. For purposes of
12 this section, an offense is committed before the effective date of
13 this Act if any element of the offense occurs before the effective
14 date.

15 SECTION 4. This Act takes effect September 1, 2007.