

1-1 By: Seliger S.B. No. 877  
1-2 (In the Senate - Filed February 26, 2007; March 7, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2007, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 18, 2007, sent to printer.)

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

1-8 relating to a limitation on judge-ordered community supervision for  
1-9 a defendant convicted of first-degree felony injury to a child.

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

1-11 SECTION 1. Subsection (a), Section 3g, Article 42.12, Code  
1-12 of Criminal Procedure, is amended to read as follows:

1-13 (a) The provisions of Section 3 of this article do not  
1-14 apply:

1-15 (1) to a defendant adjudged guilty of an offense  
1-16 under:

1-17 (A) Section 19.02, Penal Code (Murder);

1-18 (B) Section 19.03, Penal Code (Capital murder);

1-19 (C) Section 21.11(a)(1), Penal Code (Indecency

1-20 with a child);

1-21 (D) Section 20.04, Penal Code (Aggravated

1-22 kidnapping);

1-23 (E) Section 22.021, Penal Code (Aggravated

1-24 sexual assault);

1-25 (F) Section 29.03, Penal Code (Aggravated

1-26 robbery);

1-27 (G) Chapter 481, Health and Safety Code, for  
1-28 which punishment is increased under:

1-29 (i) Section 481.140, Health and Safety  
1-30 Code; or

1-31 (ii) Section 481.134(c), (d), (e), or (f),  
1-32 Health and Safety Code, if it is shown that the defendant has been  
1-33 previously convicted of an offense for which punishment was  
1-34 increased under any of those subsections; ~~or~~

1-35 (H) Section 22.011, Penal Code (Sexual assault);

1-36 or

1-37 (I) Section 22.04, Penal Code (Injury to a child,  
1-38 elderly individual, or disabled individual), if the offense is  
1-39 punishable as a felony of the first degree and the victim of the  
1-40 offense is a child; or

1-41 (2) to a defendant when it is shown that a deadly  
1-42 weapon as defined in Section 1.07, Penal Code, was used or exhibited  
1-43 during the commission of a felony offense or during immediate  
1-44 flight therefrom, and that the defendant used or exhibited the  
1-45 deadly weapon or was a party to the offense and knew that a deadly  
1-46 weapon would be used or exhibited. On an affirmative finding under  
1-47 this subdivision, the trial court shall enter the finding in the  
1-48 judgment of the court. On an affirmative finding that the deadly  
1-49 weapon was a firearm, the court shall enter that finding in its  
1-50 judgment.

1-51 SECTION 2. Subsection (d), Section 508.145, Government  
1-52 Code, is amended to read as follows:

1-53 (d) An inmate serving a sentence for an offense described by  
1-54 Section 3g(a)(1)(A), (C), (D), (E), (F), (G), ~~or~~ (H), or (I),  
1-55 Article 42.12, Code of Criminal Procedure, or for an offense for  
1-56 which the judgment contains an affirmative finding under Section  
1-57 3g(a)(2) of that article, is not eligible for release on parole  
1-58 until the inmate's actual calendar time served, without  
1-59 consideration of good conduct time, equals one-half of the sentence  
1-60 or 30 calendar years, whichever is less, but in no event is the  
1-61 inmate eligible for release on parole in less than two calendar  
1-62 years.

1-63 SECTION 3. The change in law made by this Act applies only  
1-64 to an offense committed on or after the effective date of this Act.

2-1 An offense committed before the effective date of this Act is  
2-2 covered by the law in effect when the offense was committed, and the  
2-3 former law is continued in effect for that purpose. For purposes of  
2-4 this section, an offense is committed before the effective date of  
2-5 this Act if any element of the offense occurs before the effective  
2-6 date.

2-7 SECTION 4. This Act takes effect September 1, 2007.

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