

By: Seliger

S.B. No. 1470

A BILL TO BE ENTITLED

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AN ACT

relating to the notice given to certain offenders of prohibitions under federal and state law.

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

SECTION 1. Section 1, Article 42.01, Code of Criminal Procedure, is amended by adding the following:

Art. 42.01. [766] [853] [831] JUDGMENT. Sec. 1. A judgment is the written declaration of the court signed by the trial judge and entered of record showing the conviction or acquittal of the defendant. The sentence served shall be based on the information contained in the judgment. The judgment shall reflect:

1. The title and number of the case;
2. That the case was called and the parties appeared, naming the attorney for the state, the defendant, and the attorney for the defendant, or, where a defendant is not represented by counsel, that the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel;
3. The plea or pleas of the defendant to the offense charged;
4. Whether the case was tried before a jury or a jury was waived;
5. The submission of the evidence, if any;
6. In cases tried before a jury that the jury was charged by the court;

1 7. The verdict or verdicts of the jury or the finding
2 or findings of the court;

3 8. In the event of a conviction that the defendant is
4 adjudged guilty of the offense as found by the verdict of the jury
5 or the finding of the court, and that the defendant be punished in
6 accordance with the jury's verdict or the court's finding as to the
7 proper punishment;

8 9. In the event of conviction where death or any
9 punishment is assessed that the defendant be sentenced to death, a
10 term of confinement or community supervision, or to pay a fine, as
11 the case may be;

12 10. In the event of conviction where the imposition of
13 sentence is suspended and the defendant is placed on community
14 supervision, setting forth the punishment assessed, the length of
15 community supervision, and the conditions of community
16 supervision;

17 11. In the event of acquittal that the defendant be
18 discharged;

19 12. The county and court in which the case was tried
20 and, if there was a change of venue in the case, the name of the
21 county in which the prosecution was originated;

22 13. The offense or offenses for which the defendant
23 was convicted;

24 14. The date of the offense or offenses and degree of
25 offense for which the defendant was convicted;

26 15. The term of sentence;

27 16. The date judgment is entered;

- 1 17. The date sentence is imposed;
- 2 18. The date sentence is to commence and any credit for
3 time served;
- 4 19. The terms of any order entered pursuant to Article
5 42.08 of this code that the defendant's sentence is to run
6 cumulatively or concurrently with another sentence or sentences;
- 7 20. The terms of any plea bargain;
- 8 21. Affirmative findings entered pursuant to
9 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
10 this code;
- 11 22. The terms of any fee payment ordered under Article
12 42.151 of this code;
- 13 23. The defendant's thumbprint taken in accordance
14 with Article 38.33 of this code;
- 15 24. In the event that the judge orders the defendant to
16 repay a reward or part of a reward under Articles 37.073 and 42.152
17 of this code, a statement of the amount of the payment or payments
18 required to be made;
- 19 25. In the event that the court orders restitution to
20 be paid to the victim, a statement of the amount of restitution
21 ordered and:
- 22 (A) the name of the victim and the permanent mailing
23 address of the victim at the time of the judgment; or
- 24 (B) if the court determines that the inclusion of the
25 victim's name and address in the judgment is not in the best
26 interest of the victim, the name and address of a person or agency
27 that will accept and forward restitution payments to the victim;

1 26. In the event that a presentence investigation is
2 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
3 code, a statement that the presentence investigation was done
4 according to the applicable provision;

5 27. In the event of conviction of an offense for which
6 registration as a sex offender is required under Chapter 62, a
7 statement that the registration requirement of that chapter applies
8 to the defendant and a statement of the age of the victim of the
9 offense;

10 28. The defendant's state identification number
11 required by Section 60.052(a)(2), if that number has been assigned
12 at the time of the judgment; and

13 29. The incident number required by Section
14 60.052(a)(4), if that number has been assigned at the time of the
15 judgment.

16 30. In the event that the defendant has been convicted
17 of an offense punishable as a misdemeanor and involving a member of
18 the defendant's family or household, it may be unlawful for the
19 defendant to possess a firearm or ammunition, pursuant to federal
20 law under 18 U.S.C. 922(g)(9) or state law under Section 46.04,
21 Penal Code.

22 SECTION 2. This Act takes effect September 1, 2007.