

SENATE AMENDMENTS

2nd Printing

By: Madden

H.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement that a judge release on community
3 supervision certain defendants convicted of certain state jail
4 felonies.

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

6 SECTION 1. Section 15(a)(1), Article 42.12, Code of
7 Criminal Procedure, is amended to read as follows:

8 (1) On conviction of a state jail felony under Section
9 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or
10 481.129(g)(1), Health and Safety Code, that is punished under
11 Section 12.35(a) or 12.44(a), Penal Code, the judge shall suspend
12 the imposition of the sentence and place the defendant on community
13 supervision, unless the defendant has previously been convicted of
14 a felony, other than a felony punished under Section 12.44(a),
15 Penal Code, in which event the judge may suspend the imposition of
16 the sentence and place the defendant on community supervision or
17 may order the sentence to be executed. The provisions of this
18 subdivision requiring the judge to suspend the imposition of the
19 sentence and place the defendant on community supervision do not
20 apply to a defendant who under Section 481.1151(b)(1), Health and
21 Safety Code, possessed more than five abuse units of the controlled
22 substance or under Section 481.121(b)(3), Health and Safety Code,
23 possessed more than one pound of marihuana.

24 SECTION 2. The change in law made by this Act applies only

1 to a defendant who is convicted of a state jail felony on or after
2 the effective date of this Act. A defendant convicted before the
3 effective date of this Act is covered by the law in effect on the
4 date of the conviction, and the former law is continued in effect
5 for that purpose.

6 SECTION 3. This Act takes effect September 1, 2007.

ADOPTED

MAY 17 2007

Letay D. Saw
Secretary of the Senate
BY: _____

William

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 1610 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in amended Section 15(a)(1),
3 Article 42.12, Code of Criminal Procedure (page 1, line 17), strike
4 "or 12.44(a)".

5 (2) In SECTION 1 of the bill, in amended Section 15(a)(1),
6 Article 42.12, Code of Criminal Procedure (page 1, line 21),
7 between "Penal Code," and "in which event", insert "or unless the
8 conviction resulted from an adjudication of the guilt of a
9 defendant previously placed on deferred adjudication community
10 supervision for the offense".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 27, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1610 by Madden (Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure to allow a judge to release on community supervision low-level drug offenders whose punishment for a previous felony conviction was reduced to the confinement permissible for a Class A Misdemeanor.

This bill will take effect September 1, 2007.

Local Government Impact

Dallas County reports that the ability to reduce the number of individuals in the county jail and place them on probation could have a positive financial impact of approximately \$200,000. On the other hand, Harris County reports that the provisions of the bill could increase the number of people in their jail because they would be held there while waiting for available space in residential treatment programs or as a result of probation revocations, intermediate sanctions, or "jail therapy." Assuming a forty day stay per person at a cost of \$60 per day, one person diverted from state jail to county jail would cost Harris County \$124,800 per year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, LM, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 17, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1610 by Madden (Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure to allow a judge to release on community supervision low-level drug offenders whose punishment for a previous felony conviction was reduced to the confinement permissible for a Class A Misdemeanor.

This bill will take effect September 1, 2007.

Local Government Impact

Dallas County reports that the ability to reduce the number of individuals in the county jail and place them on probation could have a positive financial impact of approximately \$200,000. On the other hand, Harris County reports that the provisions of the bill could increase the number of people in their jail because they would be held there while waiting for available space in residential treatment programs or as a result of probation revocations, intermediate sanctions, or "jail therapy." Assuming a forty day stay per person at a cost of \$60 per day, one person diverted from state jail to county jail would cost Harris County \$124,800 per year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, LM, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 27, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1610 by Madden (Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1610 by Madden (Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.), **As Introduced**

This bill would amend the Code of Criminal Procedure to allow a judge to release on community supervision low-level drug offenders whose punishment for a previous felony conviction was reduced to the confinement permissible for a Class A Misdemeanor.

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM