

## **BILL ANALYSIS**

C.S.H.B. 493  
By: Zerwas  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law makes a defendant adjudged guilty of certain offenses ineligible to receive judge-ordered community supervision. Currently, those offenses are murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, certain drug-related offenses, sexual assault, sexual performance by a child, certain offenses relating to an injury to a child, an elderly individual, or disabled individual, and certain offenses involving the use of a deadly weapon. Current law makes most defendants convicted of one of those offenses ineligible for release on parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time.

C.S.H.B. 493 makes a defendant adjudged guilty of an offense of criminal solicitation ineligible for judge-ordered community supervision if the offense is punishable as a felony of the first degree. The bill prohibits an inmate who is serving a sentence for or who has previously been convicted of a first degree felony for criminal solicitation from being released to mandatory supervision. The bill makes an inmate serving a sentence for an offense of sexual performance by a child or for an offense of criminal solicitation ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 493 reenacts and amends Section 3g(a), Article 42.12, Code of Criminal Procedure, as amended by Chapters 405 (S.B. 877) and 593 (H.B. 8), Acts of the 80th Legislature, Regular Session, 2007, to make provisions relating to judge-ordered community supervision inapplicable to a defendant adjudged guilty of an offense of criminal solicitation, if the offense is punishable as a felony of the first degree.

C.S.H.B. 493 amends the Government Code to make an inmate serving a sentence for the offense of sexual performance by a child or for the offense of criminal solicitation ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event in less than two calendar years. The bill prohibits an inmate who is serving a sentence for or who has previously been convicted of a first degree felony for criminal solicitation from being released to mandatory supervision.

C.S.H.B. 493 establishes that its provisions prevail over another act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes, to the extent of any conflict.

**EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 493 adds a provision not in the original to make an inmate serving a sentence for the offense of sexual performance by a child or for the offense of criminal solicitation ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less. The substitute adds a provision not in the original to establish that its provisions prevail over another act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.