

BILL ANALYSIS

C.S.H.B. 825
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has a reputation for being tough on crime, yet it is still possible to plead guilty to murder in this state and serve no time in prison. Currently in Texas, judges have the power to issue deferred adjudications in murder cases. In a system that is presumed to be based on progressive sanctions, it is inconsistent to allow a convicted murderer who has not served any jail time to be released.

C.S.H.B. 825 prohibits judges from granting deferred adjudication in murder cases except on determining that the defendant did not cause the death, did not intend to kill the deceased or another, and did not anticipate a death.

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. 825 amends the Code of Criminal Procedure to add a defendant charged with murder to the list of defendants for whom a judge is not authorized to grant deferred adjudication community supervision. The bill provides an exception to this prohibition by authorizing the judge to grant deferred adjudication on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 825 differs from the original by providing an exception to the prohibition on granting deferred adjudication community supervision to a defendant charged with murder by authorizing a judge to grant deferred adjudication on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.