

By: Menendez

H.B. No. 221

Substitute the following for H.B. No. 221:

By: Miklos

C.S.H.B. No. 221

A BILL TO BE ENTITLED

1 AN ACT
2 relating to delaying parole eligibility for an individual convicted
3 of certain violent offenses who evades arrest.

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

5 SECTION 1. Article 42.01, Code of Criminal Procedure, is
6 amended by adding Section 9 to read as follows:

7 Sec. 9. In addition to the information described by Section
8 1, the judgment should reflect affirmative findings entered
9 pursuant to Article 42.0198.

10 SECTION 2. Chapter 42, Code of Criminal Procedure, is
11 amended by adding Article 42.0198 to read as follows:

12 Art. 42.0198. FINDING REGARDING DELAY IN ARREST OF
13 DEFENDANT. In the trial of an offense under Section 19.02, 22.011,
14 or 22.021, Penal Code, on the motion of the attorney representing
15 the state the judge shall make an affirmative finding of fact
16 regarding the number of months that elapsed, if any, between the
17 date an arrest warrant was issued for the defendant following an
18 indictment for the offense and the date the defendant was arrested
19 for the offense. The judge shall enter the affirmative finding in
20 the judgment in the case.

21 SECTION 3. Section 508.145, Government Code, is amended by
22 adding Subsection (d-1) to read as follows:

23 (d-1) Notwithstanding Subsection (d), for every 12 months
24 that elapse between the date an arrest warrant is issued for the

1 inmate following an indictment for the offense and the date the
2 inmate is arrested for the offense, the earliest date on which an
3 inmate is eligible for parole is delayed by three years from the
4 date otherwise provided by Subsection (d), if the inmate is serving
5 a sentence for an offense under Section 19.02, 22.011, or 22.021,
6 Penal Code.

7 SECTION 4. Section 9, Article 42.01, Code of Criminal
8 Procedure, and Article 42.0198, Code of Criminal Procedure, as
9 added by this Act, apply only to a judgment of conviction entered on
10 or after the effective date of this Act.

11 SECTION 5. Section 508.145, Government Code, as amended by
12 this Act, applies only to the parole eligibility of an inmate
13 serving a sentence for an offense under Section 19.02, 22.011, or
14 22.021, Penal Code, committed on or after the effective date of this
15 Act. The parole eligibility of an inmate serving a sentence for an
16 offense under Section 19.02, 22.011, or 22.021, Penal Code,
17 committed before the effective date of this Act is governed by the
18 law in effect at the time the offense was committed, and the former
19 law is continued in effect for that purpose. For purposes of this
20 section, an offense was committed before the effective date of this
21 Act if any element of the offense was committed before that date.

22 SECTION 6. This Act takes effect September 1, 2009.