

By: Hochberg, et al.

H.B. No. 825

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

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

SECTION 1. Section 5(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) In all other cases the judge may grant deferred adjudication unless:

(1) the defendant is charged with an offense:

(A) under Sections 49.04-49.08, Penal Code; or

(B) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a felony described by Section 13B(b) of this article; and

(B) has previously been placed on community supervision for any offense under Paragraph (A) of this subdivision; ~~or~~

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

1                   (B) Section 22.021, Penal Code, that is  
2 punishable under Subsection (f) of that section or under Section  
3 12.42(c)(3), Penal Code; or

4                   (4) the defendant is charged with an offense under  
5 Section 19.02, Penal Code, except that the judge may grant deferred  
6 adjudication on determining that the defendant did not cause the  
7 death of the deceased, did not intend to kill the deceased or  
8 another, and did not anticipate that a human life would be taken.

9           SECTION 2. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 covered by the law in effect when the offense was committed, and the  
13 former law is continued in effect for that purpose. For purposes of  
14 this section, an offense was committed before the effective date of  
15 this Act if any element of the offense occurred before that date.

16           SECTION 3. This Act takes effect September 1, 2009.