

By: Hochberg

H.B. No. 825

Substitute the following for H.B. No. 825:

By: Moody

C.S.H.B. No. 825

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting deferred adjudication community
3 supervision for certain defendants convicted of murder.

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

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

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

9 (1) the defendant is charged with an offense:

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

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

16 (2) the defendant:

17 (A) is charged with an offense under Section
18 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the
19 victim, or a felony described by Section 13B(b) of this article; and

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

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

24 (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.