

By: Flynn

H.B. No. 2258

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a judge to suspend the imposition of a sentence and place a defendant on community supervision.

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

SECTION 1. Section 4(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) A jury that imposes confinement as punishment for an offense may recommend to the judge that the judge suspend the imposition of the sentence and place the defendant on community supervision. A judge shall suspend the imposition of the sentence and place the defendant on community supervision if the jury makes that recommendation in the verdict. If a jury that imposes confinement as punishment for an offense does not recommend that the judge suspend the imposition of the sentence and place the defendant on community supervision, the judge may not suspend the imposition of the sentence and place the defendant on community supervision.

SECTION 2. The change in law made by this Act applies only to the sentence imposed in a criminal trial that commences on or after the effective date of this Act. The sentence imposed in a criminal trial commenced before the effective date of this Act is governed by the law in effect when the trial commenced, and the former law is continued in effect for that purpose.

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