

By: Turner of Harris

H.B. No. 4580

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the proportionality of criminal sentences and to the  
3 consequences of a defendant's violating a condition of community  
4 supervision.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
7 amended by adding Article 42.021 to read as follows:

8 Art. 42.021. PURPOSE OF SENTENCE. (a) The purpose of a  
9 sentence is to:

10 (1) provide punishment that is likely to reduce the  
11 chance that the defendant will recidivate;

12 (2) rehabilitate the defendant, while recognizing  
13 that different rehabilitation strategies are appropriate for  
14 different defendants; and

15 (3) impose penalties on the defendant that are  
16 proportionate to the seriousness of the offense for which the  
17 defendant is sentenced.

18 (b) A sentence should be appropriate for the offense  
19 committed and the defendant being sentenced.

20 SECTION 2. Section 21, Article 42.12, Code of Criminal  
21 Procedure, is amended by adding Subsection (f) to read as follows:

22 (f) A court may proceed with an adjudication of guilt under  
23 Section 5(b), increase the period of community supervision under  
24 Section 22, or revoke community supervision under Section 23 only

1 if the court determines that the defendant's violation of a  
2 condition of community supervision was intentional. For purposes  
3 of this subsection, a defendant's violation of a condition of  
4 community supervision is presumed to be intentional if the  
5 violation is the defendant's commission of a subsequent offense.

6 SECTION 3. Section 22, Article 42.12, Code of Criminal  
7 Procedure, is amended by adding Subsection (e) to read as follows:

8 (e) A sanction imposed on a defendant under this section for  
9 violating a condition of community supervision must be proportional  
10 to the nature and severity of the violation.

11 SECTION 4. Section 21(f), Article 42.12, Code of Criminal  
12 Procedure, as added by this Act, applies only to a hearing held  
13 under Section 5(b) or Section 21, Article 42.12, Code of Criminal  
14 Procedure, on or after the effective date of this Act. A hearing  
15 held under Section 5(b) or Section 21, Article 42.12, Code of  
16 Criminal Procedure, before the effective date of this Act is  
17 governed by the law in effect at the time of the hearing, and the  
18 former law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect September 1, 2009.