

1-1 By: Huffman, Deuell S.B. No. 1278  
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 March 26, 2009, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; March 26, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of a judge to suspend the imposition of a  
1-9 sentence and place a defendant on community supervision.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 4, Article 42.12, Code  
1-12 of Criminal Procedure, is amended to read as follows:

1-13 (a) A jury that imposes confinement as punishment for an  
1-14 offense may recommend to the judge that the judge suspend the  
1-15 imposition of the sentence and place the defendant on community  
1-16 supervision. A judge shall suspend the imposition of the sentence  
1-17 and place the defendant on community supervision if the jury makes  
1-18 that recommendation in the verdict. If a jury that imposes  
1-19 confinement as punishment for an offense does not recommend that  
1-20 the judge suspend the imposition of the sentence and place the  
1-21 defendant on community supervision, the judge may not suspend the  
1-22 imposition of the sentence and place the defendant on community  
1-23 supervision.

1-24 SECTION 2. The change in law made by this Act applies only  
1-25 to the sentence imposed in a criminal trial that commences on or  
1-26 after the effective date of this Act. The sentence imposed in a  
1-27 criminal trial commenced before the effective date of this Act is  
1-28 governed by the law in effect when the trial commenced, and the  
1-29 former law is continued in effect for that purpose.

1-30 SECTION 3. This Act takes effect September 1, 2009.

1-31 \* \* \* \* \*