

1-1 By: Patrick S.B. No. 1832
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1832 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the eligibility for judge-ordered community
1-11 supervision or for release on parole or to mandatory supervision of
1-12 a defendant convicted of criminal solicitation of capital murder.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (a), Section 3g, Article 42.12, Code
1-15 of Criminal Procedure, as amended by Chapters 405 (S.B. 877) and 593
1-16 (H.B. 8), Acts of the 80th Legislature, Regular Session, 2007, is
1-17 reenacted and amended to read as follows:

1-18 (a) The provisions of Section 3 of this article do not
1-19 apply:

1-20 (1) to a defendant adjudged guilty of an offense
1-21 under:

1-22 (A) Section 19.02, Penal Code (Murder);

1-23 (B) Section 19.03, Penal Code (Capital murder);

1-24 (C) Section 21.11(a)(1), Penal Code (Indecency
1-25 with a child);

1-26 (D) Section 20.04, Penal Code (Aggravated
1-27 kidnapping);

1-28 (E) Section 22.021, Penal Code (Aggravated
1-29 sexual assault);

1-30 (F) Section 29.03, Penal Code (Aggravated
1-31 robbery);

1-32 (G) Chapter 481, Health and Safety Code, for
1-33 which punishment is increased under:

1-34 (i) Section 481.140, Health and Safety
1-35 Code; or

1-36 (ii) Section 481.134(c), (d), (e), or (f),
1-37 Health and Safety Code, if it is shown that the defendant has been
1-38 previously convicted of an offense for which punishment was
1-39 increased under any of those subsections;

1-40 (H) Section 22.011, Penal Code (Sexual assault);
1-41 [~~or~~]

1-42 (I) Section 22.04(a)(1), Penal Code (Injury to a
1-43 child, elderly individual, or disabled individual), if the offense
1-44 is punishable as a felony of the first degree and the victim of the
1-45 offense is a child; [~~or~~]

1-46 (J) [~~(I)~~] Section 43.25, Penal Code (Sexual
1-47 performance by a child); or

1-48 (K) Section 15.03, Penal Code, if the offense is
1-49 punishable as a felony of the first degree; or

1-50 (2) to a defendant when it is shown that a deadly
1-51 weapon as defined in Section 1.07, Penal Code, was used or exhibited
1-52 during the commission of a felony offense or during immediate
1-53 flight therefrom, and that the defendant used or exhibited the
1-54 deadly weapon or was a party to the offense and knew that a deadly
1-55 weapon would be used or exhibited. On an affirmative finding under
1-56 this subdivision, the trial court shall enter the finding in the
1-57 judgment of the court. On an affirmative finding that the deadly
1-58 weapon was a firearm, the court shall enter that finding in its
1-59 judgment.

1-60 SECTION 2. Subsection (d), Section 508.145, Government
1-61 Code, is amended to read as follows:

1-62 (d) An inmate serving a sentence for an offense described by
1-63 Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), [~~or~~] (I), (J), or

2-1 (K), Article 42.12, Code of Criminal Procedure, or for an offense
2-2 for which the judgment contains an affirmative finding under
2-3 Section 3g(a)(2) of that article, is not eligible for release on
2-4 parole until the inmate's actual calendar time served, without
2-5 consideration of good conduct time, equals one-half of the sentence
2-6 or 30 calendar years, whichever is less, but in no event is the
2-7 inmate eligible for release on parole in less than two calendar
2-8 years.

2-9 SECTION 3. Subsection (a), Section 508.149, Government
2-10 Code, is amended to read as follows:

2-11 (a) An inmate may not be released to mandatory supervision
2-12 if the inmate is serving a sentence for or has been previously
2-13 convicted of:

2-14 (1) an offense for which the judgment contains an
2-15 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
2-16 Criminal Procedure;

2-17 (2) a first degree felony or a second degree felony
2-18 under Section 19.02, Penal Code;

2-19 (3) a capital felony under Section 19.03, Penal Code;

2-20 (4) a first degree felony or a second degree felony
2-21 under Section 20.04, Penal Code;

2-22 (5) an offense under Section 21.11, Penal Code;

2-23 (6) a felony under Section 22.011, Penal Code;

2-24 (7) a first degree felony or a second degree felony
2-25 under Section 22.02, Penal Code;

2-26 (8) a first degree felony under Section 22.021, Penal
2-27 Code;

2-28 (9) a first degree felony under Section 22.04, Penal
2-29 Code;

2-30 (10) a first degree felony under Section 28.02, Penal
2-31 Code;

2-32 (11) a second degree felony under Section 29.02, Penal
2-33 Code;

2-34 (12) a first degree felony under Section 29.03, Penal
2-35 Code;

2-36 (13) a first degree felony under Section 30.02, Penal
2-37 Code;

2-38 (14) a felony for which the punishment is increased
2-39 under Section 481.134 or Section 481.140, Health and Safety Code;

2-40 (15) an offense under Section 43.25, Penal Code; ~~or~~

2-41 (16) an offense under Section 21.02, Penal Code; or

2-42 (17) a first degree felony under Section 15.03, Penal
2-43 Code.

2-44 SECTION 4. The change in law made by this Act applies only
2-45 to an offense committed on or after the effective date of this Act.
2-46 An offense committed before the effective date of this Act is
2-47 covered by the law in effect when the offense was committed, and the
2-48 former law is continued in effect for that purpose. For purposes of
2-49 this section, an offense was committed before the effective date of
2-50 this Act if any element of the offense was committed before that
2-51 date.

2-52 SECTION 5. To the extent of any conflict, this Act prevails
2-53 over another Act of the 81st Legislature, Regular Session, 2009,
2-54 relating to nonsubstantive additions to and corrections in enacted
2-55 codes.

2-56 SECTION 6. This Act takes effect September 1, 2009.

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