

BILL ANALYSIS

Senate Research Center

H.B. 2649
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Good conduct time is awarded to certain incarcerated offenders for good conduct and diligent participation in specific programs and may be reduced or removed for bad behavior or other disciplinary infractions as a disciplinary management mechanism. Observers note that good conduct time is granted for time served by the offender and is used to calculate an offender's eligibility for parole consideration. Under current law, good conduct time is not available to those offenders confined in a state jail felony facility. H.B. 2649 seeks to address this issue by making statutory changes relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

H.B. 2649 amends the Code of Criminal Procedure to require the facility director of a state jail felony facility in which a defendant is confined, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, to report to the sentencing court on the defendant's conduct and programmatic progress while confined in the facility. The bill requires the report to contain an indication of whether the defendant diligently participated in a substance abuse treatment program or a work, educational, or vocational program.

H.B. 2649 authorizes a judge, based on that received report, to credit against any time a defendant is required to serve in a state jail felony facility an additional time for each day the defendant actually serves in the facility for the defendant's diligent participation in an educational, vocation, treatment, or work program.

The bill prohibits such a time credit from exceeding one-fifth of the amount of time the defendant is originally required to serve in the facility. The bill prohibits a defendant from being awarded such a credit for any period during which the defendant is subject to disciplinary action.

H.B. 2649 amends current law relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15(h), Article 42.12, Code of Criminal Procedure, by amending Subdivision (1) and adding Subdivisions (4), (5), and (6), as follows:

(1) Provides that a defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6).

(4) Defines for purposes of Subdivisions (5) and (6), "diligent participation."

(5) Requires the Texas Department of Criminal Justice, for a defendant who has participated in an educational, vocational, treatment, or work program while confined in a

state jail felony facility, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, to report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. Provides that the contents of a report submitted under this subdivision are not subject to challenge by a defendant.

(6) Authorizes a judge, based on the report received under Subdivision (5), to credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. Prohibits a time credit under this subdivision from exceeding one-fifth of the amount of time the defendant is originally required to serve in the facility. Prohibits a defendant from being awarded a credit under this subdivision for any period during which the defendant is subject to disciplinary action. Provides that a time credit under this subdivision is a privilege and not a right.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2011.