

AN ACT

relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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

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

(1) 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) For purposes of Subdivisions (5) and (6), "diligent participation" includes:

(A) successful completion of an educational, vocational, or treatment program;

(B) progress toward successful completion of an educational, vocational, or treatment program that was interrupted by illness, injury, or another circumstance outside the control of the defendant; and

(C) active involvement in a work program.

(5) 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

1 defendant's sentence, the Texas Department of Criminal Justice  
2 shall report to the sentencing court the number of days during which  
3 the defendant diligently participated in any educational,  
4 vocational, treatment, or work program. The contents of a report  
5 submitted under this subdivision are not subject to challenge by a  
6 defendant.

7           (6) A judge, based on the report received under  
8 Subdivision (5), may credit against any time a defendant is  
9 required to serve in a state jail felony facility additional time  
10 for each day the defendant actually served in the facility while  
11 diligently participating in an educational, vocational, treatment,  
12 or work program. A time credit under this subdivision may not  
13 exceed one-fifth of the amount of time the defendant is originally  
14 required to serve in the facility. A defendant may not be awarded a  
15 credit under this subdivision for any period during which the  
16 defendant is subject to disciplinary action. A time credit under  
17 this subdivision is a privilege and not a right.

18           SECTION 2. The change in law made by this Act applies only  
19 to a person confined in a state jail felony facility for an offense  
20 committed on or after the effective date of this Act. A person  
21 confined in a state jail felony facility for an offense committed  
22 before the effective date of this Act is covered by the law in  
23 effect when the offense was committed, and the former law is  
24 continued in effect for that purpose. For purposes of this section,  
25 an offense was committed before the effective date of this Act if  
26 any element of the offense occurred before that date.

27           SECTION 3. This Act takes effect September 1, 2011.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2649 was passed by the House on May 12, 2011, by the following vote: Yeas 138, Nays 7, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2649 was passed by the Senate on May 24, 2011, by the following vote: Yeas 30, Nays 1.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor