

By: Allen

H.B. No. 2649

Substitute the following for H.B. No. 2649:

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C.S.H.B. No. 2649

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the award of diligent participation credit to  
3 defendants confined in a state jail felony facility.

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

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

8 (1) A defendant confined in a state jail felony  
9 facility does not earn good conduct time for time served in the  
10 facility but may be awarded diligent participation credit in  
11 accordance with Subdivision (5).

12 (4) Not later than the 30th day before the date on  
13 which a defendant will have served 80 percent of the defendant's  
14 sentence, the facility director of the state jail felony facility  
15 in which the defendant is confined shall report to the sentencing  
16 court on the defendant's conduct and programmatic progress while  
17 confined in the facility. The report must contain an indication of:

18 (A) whether the defendant completed a substance  
19 abuse treatment program or an industrial, work, agricultural,  
20 educational, or vocational program in which the defendant  
21 participated; and

22 (B) if the defendant did not fully complete a  
23 program described by Paragraph (A) but completed at least  
24 two-thirds of the program, whether the defendant nonetheless

1 diligently participated in the program and did not fully complete  
2 the program only because of illness, injury, or an emergency  
3 circumstance.

4 (5) A judge, based on the report received under  
5 Subdivision (4), may credit against any time a defendant is  
6 required to serve in a state jail felony facility an additional time  
7 for each day the defendant actually serves in the facility for the  
8 defendant's completion of, or diligent participation in, a program  
9 provided to defendants confined in the facility that is a substance  
10 abuse treatment program not otherwise described by this subsection  
11 or is an industrial, work, agricultural, educational, or vocational  
12 program. A time credit under this subdivision may not exceed  
13 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.

17 SECTION 2. The change in law made by this Act applies to a  
18 person confined in a state jail felony facility on or after the  
19 effective date of this Act, regardless of when the offense for which  
20 the person is serving a sentence was committed.

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