

By: McClendon

H.B. No. 3031

A BILL TO BE ENTITLED

AN ACT

relating to granting certain persons convicted of a felony deferred adjudication community supervision.

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

SECTION 1. Section 6, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (d) and (e) to read as follows:

(d) Subsection (e) applies only to a defendant who is otherwise described by this section, who is serving a sentence for an offense listed in Section 3g(a)(1) or for which an affirmative finding was entered under Section 3g(a)(2), and who would have been eligible for deferred adjudication for community supervision under Section 5 for the offense of which the defendant was convicted.

(e) During the period of continuing jurisdiction provided by this section, on the judge's own motion, on the motion of the attorney who represented the state in the trial of the offense for which a defendant described by Subsection (d) was convicted, or on the written motion of a defendant described by Subsection (d), the judge of the court that imposed the sentence on the defendant may allow the defendant to withdraw the defendant's plea, if necessary, and may place the defendant on deferred adjudication community supervision under Section 5 in the same manner as, and under the same circumstance as, the judge is authorized to place other defendants on community supervision under Section 5.

SECTION 2. Section 8, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (d) and (e) to read as follows:

(d) Subsection (e) applies only to a defendant who is otherwise described by this section, who is serving a sentence for an offense listed in Section 3g(a)(1) or for which an affirmative finding was entered under Section 3g(a)(2), and who would have been eligible for deferred adjudication for community supervision under Section 5 for the offense of which the defendant was convicted.

(e) After the expiration of 75 days but before the expiration of 180 days from the date on which the convicted person is received into custody by the department, the judge of the court that imposed the sentence on the defendant may allow the defendant to withdraw the defendant's plea, if necessary, and may place the defendant on deferred adjudication community supervision under Section 5 in the same manner as, and under the same circumstance as, the judge is authorized to place other defendants on community supervision under Section 5.

SECTION 3. The change in law made by this Act applies only to a defendant initially placed on community supervision on or after the effective date of this Act. A defendant initially placed on community supervision before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.