

By: White

H.B. No. 3366

Substitute the following for H.B. No. 3366:

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C.S.H.B. No. 3366

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the placement of certain state jail felons on community  
3 supervision.

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

5 SECTION 1. Section 15(h)(1), Article 42.12, Code of  
6 Criminal Procedure, is amended to read as follows:

7 (1) A defendant confined in a state jail felony  
8 facility does not earn good conduct time for time served in the  
9 facility but may be released or transferred to community  
10 supervision in accordance with Subsection (m).

11 SECTION 2. Section 15, Article 42.12, Code of Criminal  
12 Procedure, is amended by adding Subsection (m) to read as follows:

13 (m)(1) This subsection applies only to a defendant who:

14 (A) is serving a sentence in a state jail felony  
15 facility for an offense that is punished under Section 12.35(a),  
16 Penal Code, other than an offense listed in or described by  
17 Subsection (a)(1);

18 (B) is not a member of a security threat group;  
19 and

20 (C) has not been previously convicted of a felony  
21 listed in or described by Section 3g or any offense listed in  
22 Article 62.001(5).

23 (2) Not later than the 30th day before the date on  
24 which a defendant described by Subdivision (1) will have served 75

1 percent of the defendant's sentence, the facility director of the  
2 state jail felony facility in which the defendant is confined shall  
3 report to the sentencing court on the defendant's conduct and  
4 programmatic progress while confined in the facility.

5 (3) On receipt of a report under Subdivision (2), the  
6 judge of the sentencing court may:

7 (A) suspend further execution of the sentence and  
8 place the defendant on community supervision in any manner  
9 otherwise authorized under this article if the judge determines  
10 that the defendant:

11 (i) has successfully completed, or  
12 substantially complied with the requirements of, any substance  
13 abuse treatment program or any industrial, work, agricultural,  
14 educational, or vocational program in which the defendant  
15 participated; and

16 (ii) has not been the subject of major  
17 disciplinary action while confined in the state jail felony  
18 facility; or

19 (B) order that the defendant remain confined in  
20 the state jail felony facility for the remainder of the defendant's  
21 sentence.

22 (4) If a judge places a defendant on community  
23 supervision under Subdivision (3)(A), the judge may impose any  
24 condition of community supervision or take any other action during  
25 the period of community supervision, including extending a period  
26 of community supervision, that the judge is otherwise authorized to  
27 impose or take under this article.

1           (5) If, on the date that a defendant described by  
2 Subdivision (1) has served 75 percent of the defendant's sentence,  
3 the judge of the sentencing court has not acted under Subdivision  
4 (3), the director of the state jail felony facility in which the  
5 defendant is confined shall release the defendant.

6           SECTION 3. The change in law made by this Act applies to a  
7 person confined in a state jail felony facility on or after the  
8 effective date of this Act, regardless of when the offense for which  
9 the person is serving a sentence was committed.

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