

By: Huffman

S.B. No. 153

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a judge to suspend the imposition of a
3 sentence and place a defendant on community supervision.

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

5 SECTION 1. Section 4(a), Article 42.12, Code of Criminal
6 Procedure, is amended to read as follows:

7 (a) A jury that imposes confinement as punishment for an
8 offense may recommend to the judge that the judge suspend the
9 imposition of the sentence and place the defendant on community
10 supervision. A judge shall suspend the imposition of the sentence
11 and place the defendant on community supervision if the jury makes
12 that recommendation in the verdict. A judge may not suspend the
13 imposition of the sentence and place the defendant on community
14 supervision if the jury does not make that recommendation in the
15 verdict.

16 SECTION 2. The change in law made by this Act applies only
17 to the sentence imposed in a criminal trial that commences on or
18 after the effective date of this Act. The sentence imposed in a
19 criminal trial commenced before the effective date of this Act is
20 governed by the law in effect when the trial commenced, and the
21 former law is continued in effect for that purpose.

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