

1-1 By: Huffman S.B. No. 153
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 21, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a judge to suspend the imposition of a
1-9 sentence and place a defendant on community supervision.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 4, Article 42.12, Code
1-12 of Criminal Procedure, is amended to read as follows:

1-13 (a) A jury that imposes confinement as punishment for an
1-14 offense may recommend to the judge that the judge suspend the
1-15 imposition of the sentence and place the defendant on community
1-16 supervision. A judge shall suspend the imposition of the sentence
1-17 and place the defendant on community supervision if the jury makes
1-18 that recommendation in the verdict. A judge may not suspend the
1-19 imposition of the sentence and place the defendant on community
1-20 supervision if the jury does not make that recommendation in the
1-21 verdict.

1-22 SECTION 2. The change in law made by this Act applies only
1-23 to the sentence imposed in a criminal trial that commences on or
1-24 after the effective date of this Act. The sentence imposed in a
1-25 criminal trial commenced before the effective date of this Act is
1-26 governed by the law in effect when the trial commenced, and the
1-27 former law is continued in effect for that purpose.

1-28 SECTION 3. This Act takes effect September 1, 2011.

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