



13 MAY -2 PM 5:45

HOUSE OF REPRESENTATIVES

BY: Alma Allen

FLOOR AMENDMENT NO. _____

1 Amend S.B. No. 213 by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering subsequent SECTIONS
3 of the bill accordingly:

4 SECTION _____. Sections 15(h)(5) and (6), Article 42.12,
5 Code of Criminal Procedure, are amended to read as follows:

6 (5) For a defendant who has participated in an
7 educational, vocational, treatment, or work program while confined
8 in a state jail felony facility, [~~not later than the 30th day before~~
9 ~~the date on which the defendant will have served 80 percent of the~~
10 ~~defendant's sentence,~~] the Texas Department of Criminal Justice
11 shall record [~~report to the sentencing court~~] the number of days
12 during which the defendant diligently participated in any
13 educational, vocational, treatment, or work program. The
14 department [~~The contents of a report submitted under this~~
15 ~~subdivision are not subject to challenge by a defendant.~~

16 [~~(6) A judge, based on the report received under~~
17 ~~subdivision (5),~~] may credit against a defendant's sentence [~~any~~
18 ~~time a defendant is required to serve in a state jail felony~~
19 ~~facility~~] additional time for each day the defendant actually
20 served in the facility while diligently participating in an
21 educational, vocational, treatment, or work program. A time
22 credit under this subdivision may not exceed one-fifth of the
23 defendant's original sentence [~~amount of time the defendant is~~
24 ~~originally required to serve in the facility~~]. A defendant may not
25 be awarded a credit under this subdivision for any period during
26 which the defendant is subject to disciplinary status [~~action~~]. A
27 time credit under this subdivision is a privilege and not a right.

28 SECTION _____. The change in law made by this Act in amending
29 Sections 15(h)(5) and (6), Article 42.12, Code of Criminal

1 Procedure, applies only to a person confined in a state jail felony
2 facility for an offense committed on or after the effective date of
3 this Act. A person confined in a state jail felony facility for an
4 offense committed before the effective date of this Act is covered
5 by the law in effect when the offense was committed, and the former
6 law is continued in effect for that purpose. For purposes of this
7 section, an offense was committed before the effective date of this
8 Act if any element of the offense occurred before that date.