

13 MAY -3 AM 9:42
HOUSE OF REPRESENTATIVES



FLOOR AMENDMENT NO. _____

BY:

L. Burman

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

4 SECTION _____. Chapter 42, Code of Criminal Procedure, is
5 amended by adding Article 42.024 to read as follows:

6 Art. 42.024. SENTENCING FOR DRUG POSSESSION OFFENSES. (a)
7 A judge who sentences a defendant convicted of an offense under
8 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
9 481.121, Health and Safety Code, to a term of confinement in a
10 facility other than a substance abuse felony punishment facility
11 and orders the sentence to be immediately executed shall state on
12 the record and in writing the judge's reasons for requiring
13 confinement in that facility instead of confining the defendant in
14 a substance abuse felony punishment facility, placing the defendant
15 on community supervision, or requiring the defendant to submit to a
16 treatment program, drug court program, or other alternative to
17 confinement and place a copy of the written statement in the papers
18 in the case.

19 (b) This section does not apply to a defendant who has
20 previously been convicted of a felony offense involving violence or
21 an offense for which the defendant is required to register as a sex
22 offender under Chapter 62.

23 SECTION _____. Subchapter C, Chapter 72, Government Code, is
24 amended by adding Section 72.031 to read as follows:

25 Sec. 72.031. COLLECTION OF DATA REGARDING SENTENCING FOR
26 DRUG POSSESSION OFFENSES. (a) The office annually shall collect
27 data relating to sentencing of persons who are convicted of
28 offenses involving the possession of a controlled substance or
29 marihuana based on copies of written statements made by sentencing

1 judges under Article 42.024, Code of Criminal Procedure, and placed
2 in the papers in the case.

3 (b) Not later than December 1 of each year, the office shall
4 publish on its Internet website the data collected under Subsection
5 (a) covering the previous state fiscal year.

6 SECTION _____. The Office of Court Administration of the
7 Texas Judicial System is not required to publish a report under
8 Section 72.031, Government Code, as added by this Act, before
9 December 1, 2014.

10 SECTION _____. Article 42.024, Code of Criminal Procedure,
11 as added by this Act, applies to a person convicted of an offense
12 involving the possession of a controlled substance or marihuana who
13 is sentenced on or after the effective date of this Act, regardless
14 of whether the offense is committed before, on, or after the
15 effective date of this Act.