

BILL ANALYSIS

S.B. 727
By: Taylor
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 3(g), Article 42.12, Code of Criminal Procedure, prohibits persons convicted of certain serious and violent crimes from receiving judge-ordered community supervision. These offenses, often referred to as “3g offenses” are murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, injury to a child, elderly individual, or disabled individual, certain offenses relating to human trafficking, sexual performance of a child, certain drug offenses, and certain felonies involving use of a deadly weapon. In addition, most defendants convicted of one of those offenses are ineligible for release on parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time.

Under current law, the crime of burglary with intent to commit a sexual offense is not included among the “3g offenses.” To protect communities from violent dangerous sexual offenders, S.B. 727 adds burglary with intent to commit a sexual offense to the list of offenses in Section 3(g), Article 42.12, Code of Criminal Procedure. S.B. 727 makes persons convicted of these offenses ineligible for judge-ordered community supervision. In addition, the bill makes an inmate serving a sentence for burglary with intent to commit a sexual offense ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less.

As proposed, S.B. 727 amends current law relating to the eligibility for judge-ordered community supervision or for release on parole of certain defendants convicted of burglary with the intent to commit a sex offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 3g(a), Article 42.12, Code of Criminal Procedure, as follows:

(a) Provides that the provisions of Section 3 of this article do not apply:

(1) to a defendant adjudged guilty of an offense under:

(A)-(M) Makes no changes to these subdivisions; or

(N) Section 30.02 (Burglary), Penal Code (Burglary), if the offense is punishable under Subsection (d) (relating to an offense classified as a felony of the first degree) of that section and the actor committed the offense with the intent to commit a felony under Section 21.02

(Continuous Sexual Abuse of Young Child or Children), 21.11 (Indecency With a Child), 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), or 25.02 (Prohibited Sexual Conduct), Penal Code; or

(2) Makes no changes to this subdivision.

SECTION 2. Amends Section 508.145(d)(1), Government Code, to provide that an inmate serving a sentence for certain offenses, including an offense described by Section 3g(a)(1)(N), Article 42.12, Code of Criminal Procedure, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 3. Makes application of this Act prospective.

EFFECTIVE DATE

Effective date: September 1, 2013.