

By: Price

H.B. No. 1236

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibiting deferred adjudication community  
3 supervision for defendants charged with felony offenses committed  
4 against children or elderly or disabled individuals.

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

6 SECTION 1. Section 5, Article 42.12, Code of Criminal  
7 Procedure, is amended by amending Subsection (d) and adding  
8 Subsection (d-1) to read as follows:

9 (d) In all other cases the judge may grant deferred  
10 adjudication unless:

11 (1) the defendant is charged with an offense:

12 (A) under Sections 49.04-49.08, Penal Code; or

13 (B) for which punishment may be increased under  
14 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it  
15 is shown that the defendant has been previously convicted of an  
16 offense for which punishment was increased under any one of those  
17 subsections;

18 (2) the defendant:

19 (A) is charged with an offense under Section  
20 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the  
21 victim, or a felony described by Section 13B(b) of this article; and

22 (B) has previously been placed on community  
23 supervision for any offense under Paragraph (A) of this  
24 subdivision;

1 (3) the defendant is charged with an offense under:

2 (A) Section 21.02, Penal Code; or

3 (B) Section 22.021, Penal Code, that is  
4 punishable under Subsection (f) of that section or under Section  
5 12.42(c)(3) or (4), Penal Code; ~~[or]~~

6 (4) the defendant is charged with an offense under  
7 Section 19.02, Penal Code, except that the judge may grant deferred  
8 adjudication on determining that the defendant did not cause the  
9 death of the deceased, did not intend to kill the deceased or  
10 another, and did not anticipate that a human life would be taken; or

11 (5) the defendant is charged with an offense  
12 punishable as a felony and the judge determines that the victim or  
13 intended victim was, at the time of the offense, a child, elderly  
14 individual, or disabled individual.

15 (d-1) For purposes of Subsection (d)(5), "child," "elderly  
16 individual," and "disabled individual" have the meanings assigned  
17 by Section 22.04, Penal Code.

18 SECTION 2. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect at the time the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

26 SECTION 3. This Act takes effect September 1, 2013.