

By: Bonnen of Galveston

H.B. No. 1620

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility for judge-ordered community
3 supervision or for release on parole of certain defendants
4 convicted of burglary with the intent to commit a sex offense.

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

6 SECTION 1. Section 3g(a), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) The provisions of Section 3 of this article do not
9 apply:

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

12 (A) Section 19.02, Penal Code (Murder);

13 (B) Section 19.03, Penal Code (Capital murder);

14 (C) Section 21.11(a)(1), Penal Code (Indecency
15 with a child);

16 (D) Section 20.04, Penal Code (Aggravated
17 kidnapping);

18 (E) Section 22.021, Penal Code (Aggravated
19 sexual assault);

20 (F) Section 29.03, Penal Code (Aggravated
21 robbery);

22 (G) Chapter 481, Health and Safety Code, for
23 which punishment is increased under:

24 (i) Section 481.140, Health and Safety

1 Code; or

2 (ii) Section 481.134(c), (d), (e), or (f),
3 Health and Safety Code, if it is shown that the defendant has been
4 previously convicted of an offense for which punishment was
5 increased under any of those subsections;

6 (H) Section 22.011, Penal Code (Sexual assault);

7 (I) Section 22.04(a)(1), Penal Code (Injury to a
8 child, elderly individual, or disabled individual), if the offense
9 is punishable as a felony of the first degree and the victim of the
10 offense is a child;

11 (J) Section 43.25, Penal Code (Sexual
12 performance by a child);

13 (K) Section 15.03, Penal Code, if the offense is
14 punishable as a felony of the first degree;

15 (L) Section 43.05, Penal Code (Compelling
16 prostitution); ~~[or]~~

17 (M) Section 20A.02, Penal Code (Trafficking of
18 persons); or

19 (N) Section 30.02, Penal Code (Burglary), if the
20 offense is punishable under Subsection (d) of that section and the
21 actor committed the offense with the intent to commit a felony under
22 Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code; or

23 (2) to a defendant when it is shown that a deadly
24 weapon as defined in Section 1.07, Penal Code, was used or exhibited
25 during the commission of a felony offense or during immediate
26 flight therefrom, and that the defendant used or exhibited the
27 deadly weapon or was a party to the offense and knew that a deadly

1 weapon would be used or exhibited. On an affirmative finding under
2 this subdivision, the trial court shall enter the finding in the
3 judgment of the court. On an affirmative finding that the deadly
4 weapon was a firearm, the court shall enter that finding in its
5 judgment.

6 SECTION 2. Section 508.145(d)(1), Government Code, is
7 amended to read as follows:

8 (1) An inmate serving a sentence for an offense
9 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
10 (I), (J), [~~or~~] (K), or (N), Article 42.12, Code of Criminal
11 Procedure, or for an offense for which the judgment contains an
12 affirmative finding under Section 3g(a)(2) of that article, or for
13 an offense under Section 20A.03, Penal Code, is not eligible for
14 release on parole until the inmate's actual calendar time served,
15 without consideration of good conduct time, equals one-half of the
16 sentence or 30 calendar years, whichever is less, but in no event is
17 the inmate eligible for release on parole in less than two calendar
18 years.

19 SECTION 3. The changes in law made by this Act apply only to
20 an offense committed on or after the effective date of this Act. An
21 offense committed before the effective date of this Act is governed
22 by the law in effect when the offense was committed, and the former
23 law is continued in effect for that purpose. For purposes of this
24 section, an offense was committed before the effective date of this
25 Act if any element of the offense occurred before that date.

26 SECTION 4. This Act takes effect September 1, 2013.