

By: Wu

H.B. No. 2842

A BILL TO BE ENTITLED

AN ACT

relating to penalties for engaging in organized criminal activity.

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

SECTION 1. Section 4(a), Article 37.07, Code of Criminal Procedure, is amended to read as follows:

(a) In the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense of which the jury has found the defendant guilty is an offense under Section 71.02 or 71.023, Penal Code, or an offense listed in Section 3g(a)(1), Article 42.12, [~~of this code~~] or if the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, [~~of this code,~~] unless the defendant has been convicted of an offense under Section 21.02, Penal Code, an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section, or a capital felony, the court shall charge the jury in writing as follows:

"Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

1 "It is also possible that the length of time for which the
2 defendant will be imprisoned might be reduced by the award of
3 parole.

4 "Under the law applicable in this case, if the defendant is
5 sentenced to a term of imprisonment, the defendant [~~he~~] will not
6 become eligible for parole until the actual time served equals
7 one-half of the sentence imposed or 30 years, whichever is less,
8 without consideration of any good conduct time the defendant [~~he~~]
9 may earn. If the defendant is sentenced to a term of less than four
10 years, the defendant [~~he~~] must serve at least two years before the
11 defendant [~~he~~] is eligible for parole. Eligibility for parole does
12 not guarantee that parole will be granted.

13 "It cannot accurately be predicted how the parole law and
14 good conduct time might be applied to this defendant if [~~he is~~]
15 sentenced to a term of imprisonment, because the application of
16 these laws will depend on decisions made by prison and parole
17 authorities.

18 "You may consider the existence of the parole law and good
19 conduct time. However, you are not to consider the extent to which
20 good conduct time may be awarded to or forfeited by this particular
21 defendant. You are not to consider the manner in which the parole
22 law may be applied to this particular defendant."

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

25 (1) An inmate serving a sentence for an offense
26 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
27 (I), (J), or (K), Article 42.12, Code of Criminal Procedure, [~~or~~

1 ~~for~~] an offense for which the judgment contains an affirmative
2 finding under Section 3g(a)(2) of that article, [~~or for~~] an offense
3 under Section 20A.03, Penal Code, or an offense under Section 71.02
4 or 71.023, Penal Code, is not eligible for release on parole until
5 the inmate's actual calendar time served, without consideration of
6 good conduct time, equals one-half of the sentence or 30 calendar
7 years, whichever is less, but in no event is the inmate eligible for
8 release on parole in less than two calendar years.

9 SECTION 3. Section 508.149(a), Government Code, as amended
10 by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd
11 Legislature, Regular Session, 2011, is reenacted and amended to
12 read as follows:

13 (a) An inmate may not be released to mandatory supervision
14 if the inmate is serving a sentence for or has been previously
15 convicted of:

16 (1) an offense for which the judgment contains an
17 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
18 Criminal Procedure;

19 (2) a first degree felony or a second degree felony
20 under Section 19.02, Penal Code;

21 (3) a capital felony under Section 19.03, Penal Code;

22 (4) a first degree felony or a second degree felony
23 under Section 20.04, Penal Code;

24 (5) an offense under Section 21.11, Penal Code;

25 (6) a felony under Section 22.011, Penal Code;

26 (7) a first degree felony or a second degree felony
27 under Section 22.02, Penal Code;

- 1 (8) a first degree felony under Section 22.021, Penal
2 Code;
- 3 (9) a first degree felony under Section 22.04, Penal
4 Code;
- 5 (10) a first degree felony under Section 28.02, Penal
6 Code;
- 7 (11) a second degree felony under Section 29.02, Penal
8 Code;
- 9 (12) a first degree felony under Section 29.03, Penal
10 Code;
- 11 (13) a first degree felony under Section 30.02, Penal
12 Code;
- 13 (14) a felony for which the punishment is increased
14 under Section 481.134 or Section 481.140, Health and Safety Code;
- 15 (15) an offense under Section 43.25, Penal Code;
- 16 (16) an offense under Section 21.02, Penal Code;
- 17 (17) a first degree felony under Section 15.03, Penal
18 Code;
- 19 (18) an offense under Section 43.05, Penal Code; ~~or~~
- 20 (19) an offense under Section 20A.02, Penal Code;
- 21 (20) [~~18~~] an offense under Section 20A.03, Penal
22 Code; or
- 23 (21) a first degree felony under Section 71.02 or
24 71.023, Penal Code.

25 SECTION 4. The changes in law made by this Act apply only to
26 an offense committed on or after the effective date of this Act. An
27 offense committed before the effective date of this Act is governed

1 by the law in effect when the offense was committed, and the former
2 law is continued in effect for that purpose. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense occurred before that date.

5 SECTION 5. This Act takes effect September 1, 2013.