

By: Allen

H.B. No. 3004

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the award of diligent participation credit to
3 defendants confined in a state jail felony facility.

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

5 SECTION 1. Sections 15(h)(5) and (6), Article 42.12, Code
6 of Criminal Procedure, are amended to read as follows:

7 (5) For a defendant who has participated in an
8 educational, vocational, treatment, or work program while confined
9 in a state jail felony facility, [~~not later than the 30th day before~~
10 ~~the date on which the defendant will have served 80 percent of the~~
11 ~~defendant's sentence,~~] the Texas Department of Criminal Justice
12 shall record [~~report to the sentencing court~~] the number of days
13 during which the defendant diligently participated in any
14 educational, vocational, treatment, or work program. The
15 department [~~The contents of a report submitted under this~~
16 ~~subdivision are not subject to challenge by a defendant.~~

17 [~~(6) A judge, based on the report received under~~
18 ~~subdivision (5),~~] may credit against a defendant's sentence [~~any~~
19 ~~time a defendant is required to serve in a state jail felony~~
20 ~~facility~~] additional time for each day the defendant actually
21 served in the facility while diligently participating in an
22 educational, vocational, treatment, or work program. A time
23 credit under this subdivision may not exceed one-fifth of the
24 defendant's original sentence [~~amount of time the defendant is~~

1 ~~originally required to serve in the facility~~]. A defendant may not
2 be awarded a credit under this subdivision for any period during
3 which the defendant is subject to disciplinary status [~~action~~]. A
4 time credit under this subdivision is a privilege and not a right.

5 SECTION 2. This Act takes effect September 1, 2013.