

By: Hughes

H.B. No. 3336

Substitute the following for H.B. No. 3336:

By: Herrero

C.S.H.B. No. 3336

A BILL TO BE ENTITLED

AN ACT

relating to a judge's findings when sentencing persons convicted of certain drug possession offenses to a term of confinement.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.024 to read as follows:

Art. 42.024. SENTENCING FOR DRUG POSSESSION OFFENSES. (a)

A judge who sentences a defendant convicted of an offense under Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, to a term of confinement and orders the sentence to be immediately executed shall state on the record and in writing the judge's reasons for requiring confinement instead of placing the defendant on community supervision or requiring the defendant to submit to a treatment program or other alternative to confinement and place a copy of the written statement in the papers in the case.

(b) This section does not apply to a defendant who has previously been convicted of a felony offense involving violence or an offense for which the defendant is required to register as a sex offender under Chapter 62.

SECTION 2. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. COLLECTION OF DATA REGARDING SENTENCING FOR DRUG POSSESSION OFFENSES. (a) The office annually shall collect

1 data relating to sentencing of persons who are convicted of  
2 offenses involving the possession of a controlled substance or  
3 marihuana based on copies of written statements made by sentencing  
4 judges under Article 42.024, Code of Criminal Procedure, and placed  
5 in the papers in the case.

6 (b) Not later than December 1 of each year, the office shall  
7 publish on its Internet website the data collected under Subsection  
8 (a) covering the previous state fiscal year.

9 SECTION 3. The Office of Court Administration of the Texas  
10 Judicial System is not required to publish a report under Section  
11 72.031, Government Code, as added by this Act, before December 1,  
12 2014.

13 SECTION 4. The change in law made by this Act applies to a  
14 person convicted of an offense involving the possession of a  
15 controlled substance or marihuana who is sentenced on or after the  
16 effective date of this Act, regardless of whether the offense is  
17 committed before, on, or after the effective date of this Act.

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