

By: Hughes

H.B. No. 3336

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a judge's findings when sentencing persons convicted of
3 certain drug possession offenses to a term of confinement.

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

5 SECTION 1. Section 15(a), Article 42.12, Code of Criminal
6 Procedure, is amended by adding Subdivision (4) to read as follows:

7 (4) A judge who chooses not to suspend the imposition
8 of a sentence requiring confinement must state on the record and in
9 writing the judge's reasons for requiring confinement instead of
10 placing the defendant on community supervision or requiring the
11 defendant to submit to a treatment program or other alternative to
12 confinement and place a copy of the written statement in the papers
13 in the case.

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

16 Sec. 72.031. COLLECTION OF DATA REGARDING SENTENCING FOR
17 DRUG POSSESSION OFFENSES. (a) The office annually shall collect
18 data relating to sentencing of persons who are convicted of
19 offenses involving the possession of a controlled substance or
20 marihuana based on copies of written statements made by sentencing
21 judges under Section 15(a)(4), Article 42.12, Code of Criminal
22 Procedure, and placed in the papers in the case.

23 (b) Not later than December 1 of each year, the office shall
24 publish on its Internet website the data collected under Subsection

1 (a) covering the previous state fiscal year.

2 SECTION 3. The Office of Court Administration of the Texas
3 Judicial System is not required to publish a report under Section
4 72.031, Government Code, as added by this Act, before December 1,
5 2014.

6 SECTION 4. The change in law made by this Act applies to a
7 person convicted of an offense involving the possession of a
8 controlled substance or marihuana who is sentenced on or after the
9 effective date of this Act, regardless of whether the offense is
10 committed before, on, or after the effective date of this Act.

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