

By: Taylor  
(Bonnen of Galveston)

S.B. No. 727

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

(i) Section 481.140, Health and Safety

Code; or

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

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

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

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

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

(L) Section 43.05, Penal Code (Compelling prostitution); ~~or~~

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

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

(2) to a defendant when it is shown that a deadly weapon as defined in Section 1.07, Penal Code, was used or exhibited during the commission of a felony offense or during immediate flight therefrom, and that the defendant used or exhibited the 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. Subdivision (1), Subsection (d), Section  
7 508.145, Government Code, is 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.