

1-1 By: Taylor S.B. No. 727
 1-2 (In the Senate - Filed February 21, 2013; February 25, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 4, 2013, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Carona	X			
1-10 Hinojosa	X			
1-11 Patrick	X			
1-12 Rodriguez	X			
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the eligibility for judge-ordered community
 1-18 supervision or for release on parole of certain defendants
 1-19 convicted of burglary with the intent to commit a sex offense.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subsection (a), Section 3g, Article 42.12, Code
 1-22 of Criminal Procedure, is amended to read as follows:

1-23 (a) The provisions of Section 3 of this article do not
 1-24 apply:

1-25 (1) to a defendant adjudged guilty of an offense
 1-26 under:

1-27 (A) Section 19.02, Penal Code (Murder);

1-28 (B) Section 19.03, Penal Code (Capital murder);

1-29 (C) Section 21.11(a)(1), Penal Code (Indecency
 1-30 with a child);

1-31 (D) Section 20.04, Penal Code (Aggravated
 1-32 kidnapping);

1-33 (E) Section 22.021, Penal Code (Aggravated
 1-34 sexual assault);

1-35 (F) Section 29.03, Penal Code (Aggravated
 1-36 robbery);

1-37 (G) Chapter 481, Health and Safety Code, for
 1-38 which punishment is increased under:

1-39 (i) Section 481.140, Health and Safety
 1-40 Code; or

1-41 (ii) Section 481.134(c), (d), (e), or (f),
 1-42 Health and Safety Code, if it is shown that the defendant has been
 1-43 previously convicted of an offense for which punishment was
 1-44 increased under any of those subsections;

1-45 (H) Section 22.011, Penal Code (Sexual assault);

1-46 (I) Section 22.04(a)(1), Penal Code (Injury to a
 1-47 child, elderly individual, or disabled individual), if the offense
 1-48 is punishable as a felony of the first degree and the victim of the
 1-49 offense is a child;

1-50 (J) Section 43.25, Penal Code (Sexual
 1-51 performance by a child);

1-52 (K) Section 15.03, Penal Code, if the offense is
 1-53 punishable as a felony of the first degree;

1-54 (L) Section 43.05, Penal Code (Compelling
 1-55 prostitution); ~~[or]~~

1-56 (M) Section 20A.02, Penal Code (Trafficking of
 1-57 persons); or

1-58 (N) Section 30.02, Penal Code (Burglary), if the
 1-59 offense is punishable under Subsection (d) of that section and the
 1-60 actor committed the offense with the intent to commit a felony under
 1-61 Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code; or

2-1 (2) to a defendant when it is shown that a deadly
2-2 weapon as defined in Section 1.07, Penal Code, was used or exhibited
2-3 during the commission of a felony offense or during immediate
2-4 flight therefrom, and that the defendant used or exhibited the
2-5 deadly weapon or was a party to the offense and knew that a deadly
2-6 weapon would be used or exhibited. On an affirmative finding under
2-7 this subdivision, the trial court shall enter the finding in the
2-8 judgment of the court. On an affirmative finding that the deadly
2-9 weapon was a firearm, the court shall enter that finding in its
2-10 judgment.

2-11 SECTION 2. Subdivision (1), Subsection (d), Section
2-12 508.145, Government Code, is amended to read as follows:

2-13 (1) An inmate serving a sentence for an offense
2-14 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
2-15 (I), (J), [~~or~~] (K), or (N), Article 42.12, Code of Criminal
2-16 Procedure, or for an offense for which the judgment contains an
2-17 affirmative finding under Section 3g(a)(2) of that article, or for
2-18 an offense under Section 20A.03, Penal Code, is not eligible for
2-19 release on parole until the inmate's actual calendar time served,
2-20 without consideration of good conduct time, equals one-half of the
2-21 sentence or 30 calendar years, whichever is less, but in no event is
2-22 the inmate eligible for release on parole in less than two calendar
2-23 years.

2-24 SECTION 3. The changes in law made by this Act apply only to
2-25 an offense committed on or after the effective date of this Act. An
2-26 offense committed before the effective date of this Act is governed
2-27 by the law in effect when the offense was committed, and the former
2-28 law is continued in effect for that purpose. For purposes of this
2-29 section, an offense was committed before the effective date of this
2-30 Act if any element of the offense occurred before that date.

2-31 SECTION 4. This Act takes effect September 1, 2013.

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