

By: West

S.B. No. 1173

A BILL TO BE ENTITLED

AN ACT

relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.

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

SECTION 1. Subsection (a), Section 9, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (g) ~~[of this section]~~, before the imposition of sentence by a judge in a felony case, and except as provided by Subsection (b) ~~[of this section]~~, before the imposition of sentence by a judge in a misdemeanor case the judge shall direct a supervision officer to report to the judge in writing on the circumstances of the offense with which the defendant is charged, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history of the defendant, and any other information relating to the defendant or the offense requested by the judge. It is not necessary that the report contain a sentencing recommendation, but the report must contain a proposed client supervision plan describing programs and sanctions that the community supervision and corrections department would provide the defendant if the judge suspended the imposition of the sentence or granted deferred adjudication. If the defendant is charged with a state jail felony, the report must contain recommendations for conditions of community

1 supervision that the community supervision and corrections  
2 department considers advisable or appropriate based on the  
3 circumstances of the offense and other factors addressed in the  
4 report.

5 SECTION 2. Subdivision (2), Subsection (a), Section 15,  
6 Article 42.12, Code of Criminal Procedure, is amended to read as  
7 follows:

8 (2) On conviction of a state jail felony punished  
9 under Section 12.35(a), Penal Code, other than a state jail felony  
10 listed in Subdivision (1), the judge may:

11 (A) suspend the imposition of the sentence and  
12 place the defendant on community supervision; or

13 (B) [may] order the sentence to be executed;

14 (i) in whole; or

15 (ii) in part, with a term of community  
16 supervision to commence immediately on release of the defendant  
17 from confinement.

18 SECTION 3. Subdivision (1), Subsection (c), Section 15,  
19 Article 42.12, Code of Criminal Procedure, is amended to read as  
20 follows:

21 (1) Before imposing a sentence in a state jail felony  
22 case, the judge shall review the presentence investigation report  
23 prepared for the defendant under Section 9 and shall determine  
24 whether the best interests of justice require the judge to suspend  
25 the imposition of the sentence and place the defendant on community  
26 supervision or to order the sentence to be executed in whole or in  
27 part as provided by Subsection (a)(2). A judge may impose any

1 condition of community supervision on a defendant that the judge  
2 could impose on a defendant placed on supervision for an offense  
3 other than a state jail felony and, if the judge suspends the  
4 execution of the sentence or orders the execution of the sentence  
5 only in part, shall impose conditions of community supervision  
6 consistent with the recommendations contained in the presentence  
7 investigation report prepared for the defendant.

8         SECTION 4. The changes in law made by this Act apply only to  
9 the sentencing and placement on community supervision of a  
10 defendant for an offense that is committed on or after the effective  
11 date of this Act. The sentencing and placement on community  
12 supervision of a defendant for an offense that is committed before  
13 the effective date of this Act is governed by the law in effect on  
14 the date the offense was committed, and that law is continued in  
15 effect for that purpose. For purposes of this section, an offense  
16 was committed before the effective date of this Act if any element  
17 of the offense occurred before that date.

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