

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. Subsection (a), Section 15, Article 42.12, Code  
6 of Criminal Procedure, is amended by amending Subdivision (2) and  
7 adding Subdivisions (2-a) and (2-b) to read as 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), subject to Subdivision (2-a), the judge  
11 may:

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

14 (B) [may] order the sentence to be executed:

15 (i) in whole; or

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

19 (2-a) In any case in which the jury assesses the  
20 punishment, the judge must follow the recommendations of the jury  
21 in suspending the imposition of a sentence or ordering a sentence to  
22 be executed. If a jury assessing punishment does not recommend  
23 community supervision, the judge must order the sentence to be  
24 executed in whole.

25 (2-b) A defendant is considered to be finally  
26 convicted if the judge orders the sentence to be executed under  
27 Subdivision (2)(B), regardless of whether the judge orders the

1 sentence to be executed in whole or only in part.

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

5             (1) Before imposing a sentence in a state jail felony  
6 case in which the judge assesses the punishment, the judge shall  
7 review the presentence investigation report prepared for the  
8 defendant under Section 9 and shall determine whether the best  
9 interests of justice require the judge to suspend the imposition of  
10 the sentence and place the defendant on community supervision or to  
11 order the sentence to be executed in whole or in part as provided by  
12 Subsection (a)(2). A judge may impose any condition of community  
13 supervision on a defendant that the judge could impose on a  
14 defendant placed on supervision for an offense other than a state  
15 jail felony and, if the judge suspends the execution of the sentence  
16 or orders the execution of the sentence only in part, shall impose  
17 conditions of community supervision consistent with the  
18 recommendations contained in the presentence investigation report  
19 prepared for the defendant.

20         SECTION 4. Chapter 509, Government Code, is amended by  
21 adding Section 509.017 to read as follows:

22         Sec. 509.017. SPECIAL ALLOCATION FOR CERTAIN DEFENDANTS  
23 PLACED ON STATE JAIL FELONY COMMUNITY SUPERVISION. Notwithstanding  
24 any other provision of this chapter, the Texas Department of  
25 Criminal Justice shall adopt policies and procedures to:

26             (1) determine the cost savings to the Texas Department  
27 of Criminal Justice realized through the release of defendants on

1 community supervision under Section 15(a)(2)(B)(ii), Article  
2 42.12, Code of Criminal Procedure; and

3 (2) provide 30 percent of that cost savings to the  
4 division to be allocated to individual departments and used for the  
5 same purpose that state aid is used under Section 509.011.

6 SECTION 5. The changes in law made by this Act apply only to  
7 the sentencing and placement on community supervision of a  
8 defendant for an offense that is committed on or after the effective  
9 date of this Act. The sentencing and placement on community  
10 supervision of a defendant for an offense that is committed before  
11 the effective date of this Act is governed by the law in effect on  
12 the date the offense was committed, and that law is continued in  
13 effect for that purpose. For purposes of this section, an offense  
14 was committed before the effective date of this Act if any element  
15 of the offense occurred before that date.

16 SECTION 6. This Act takes effect September 1, 2013.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 1173 passed the Senate on April 15, 2013, by the following vote: Yeas 30, Nays 0; May 24, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1173 passed the House, with amendments, on May 22, 2013, by the following vote: Yeas 145, Nays 2, one present not voting; May 24, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 4, two present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor

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