A BILL TO BE ENTITLED

1   AN ACT

2   relating to procedures for the sentencing and placement on

3   community supervision of defendants charged with the commission of

4   a state jail felony.

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

6   SECTION 1. Section 9(a), Article 42.12, Code of Criminal

7   Procedure, is amended to read as follows:

8   (a) Except as provided by Subsection (g) [of this section],

9   before the imposition of sentence by a judge in a felony case, and

10   except as provided by Subsection (b) [of this section], before the

11   imposition of sentence by a judge in a misdemeanor case the judge

12   shall direct a supervision officer to report to the judge in writing

13   on the circumstances of the offense with which the defendant is

14   charged, the amount of restitution necessary to adequately

15   compensate a victim of the offense, the criminal and social history

16   of the defendant, and any other information relating to the

17   defendant or the offense requested by the judge. It is not

18   necessary that the report contain a sentencing recommendation, but

19   the report must contain a proposed client supervision plan

20   describing programs and sanctions that the community supervision

21   and corrections department would provide the defendant if the judge

22   suspended the imposition of the sentence or granted deferred

23   adjudication. If the defendant is charged with a state jail felony,

24   the report must contain recommendations for conditions of community

1 supervision that are based on the use of progressive sanctions

2 designed to reduce the revocation rate of defendants placed on

3 community supervision.

4   SECTION 2. Section 15(a)(2), Article 42.12, Code of

5 Criminal Procedure, is amended to read as follows:

6   (2) On conviction of a state jail felony punished

7 under Section 12.35(a), Penal Code, other than a state jail felony

8 listed in Subdivision (1), the judge may:

9   (A) suspend the imposition of the sentence and

10 place the defendant on community supervision; or

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

12   (i) in whole; or

13   (ii) in part, with a term of community

14 supervision to commence immediately on release of the defendant

15 from confinement.

16   SECTION 3. Section 15(c)(1), Article 42.12, Code of

17 Criminal Procedure, is amended to read as follows:

18   (1) Before imposing a sentence in a state jail felony

19 case, the judge shall review the presentence investigation report

20 prepared for the defendant under Section 9 and shall determine

21 whether the best interests of justice require the judge to suspend

22 the imposition of the sentence and place the defendant on community

23 supervision or to order the sentence to be executed in whole or in

24 part as provided by Subsection (a)(2). A judge may impose any

25 condition of community supervision on a defendant that the judge

26 could impose on a defendant placed on supervision for an offense

27 other than a state jail felony and, if the judge suspends the

1 execution of the sentence or orders the execution of the sentence

2 only in part, shall impose conditions of community supervision

3 consistent with the recommendations contained in the presentence

4 investigation report prepared for the defendant.

5   SECTION 4. The changes in law made by this Act apply only to

6 the sentencing and placement on community supervision of a

7 defendant for an offense that is committed on or after the effective

8 date of this Act. The sentencing and placement on community

9 supervision of a defendant for an offense that is committed before

10 the effective date of this Act is governed by the law in effect on

11 the date the offense was committed, and that law is continued in

12 effect for that purpose. For purposes of this section, an offense

13 was committed before the effective date of this Act if any element

14 of the offense occurred before that date.

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