

1-1 By: West S.B. No. 1173
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 8, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 8, 2013,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Huffman	X			
1-11	Carona	X			
1-12	Hinojosa	X			
1-13	Patrick	X			
1-14	Rodriguez	X			
1-15	Schwertner	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1173 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to procedures for the sentencing and placement on
1-20 community supervision of defendants charged with the commission of
1-21 a state jail felony.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subsection (a), Section 9, Article 42.12, Code
1-24 of Criminal Procedure, is amended to read as follows:

1-25 (a) Except as provided by Subsection (g) ~~[of this section]~~,
1-26 before the imposition of sentence by a judge in a felony case, and
1-27 except as provided by Subsection (b) ~~[of this section]~~, before the
1-28 imposition of sentence by a judge in a misdemeanor case the judge
1-29 shall direct a supervision officer to report to the judge in writing
1-30 on the circumstances of the offense with which the defendant is
1-31 charged, the amount of restitution necessary to adequately
1-32 compensate a victim of the offense, the criminal and social history
1-33 of the defendant, and any other information relating to the
1-34 defendant or the offense requested by the judge. It is not
1-35 necessary that the report contain a sentencing recommendation, but
1-36 the report must contain a proposed client supervision plan
1-37 describing programs and sanctions that the community supervision
1-38 and corrections department would provide the defendant if the judge
1-39 suspended the imposition of the sentence or granted deferred
1-40 adjudication. If the defendant is charged with a state jail felony,
1-41 the report must contain recommendations for conditions of community
1-42 supervision that the community supervision and corrections
1-43 department considers advisable or appropriate based on the
1-44 circumstances of the offense and other factors addressed in the
1-45 report.

1-46 SECTION 2. Subdivision (2), Subsection (a), Section 15,
1-47 Article 42.12, Code of Criminal Procedure, is amended to read as
1-48 follows:

1-49 (2) On conviction of a state jail felony punished
1-50 under Section 12.35(a), Penal Code, other than a state jail felony
1-51 listed in Subdivision (1), the judge may:

1-52 (A) suspend the imposition of the sentence and
1-53 place the defendant on community supervision; or

1-54 (B) ~~may~~ order the sentence to be executed:

1-55 (i) in whole; or

1-56 (ii) in part, with a term of community
1-57 supervision to commence immediately on release of the defendant
1-58 from confinement.

1-59 SECTION 3. Subdivision (1), Subsection (c), Section 15,
1-60 Article 42.12, Code of Criminal Procedure, is amended to read as

2-1 follows:

2-2 (1) Before imposing a sentence in a state jail felony
2-3 case, the judge shall review the presentence investigation report
2-4 prepared for the defendant under Section 9 and shall determine
2-5 whether the best interests of justice require the judge to suspend
2-6 the imposition of the sentence and place the defendant on community
2-7 supervision or to order the sentence to be executed in whole or in
2-8 part as provided by Subsection (a)(2). A judge may impose any
2-9 condition of community supervision on a defendant that the judge
2-10 could impose on a defendant placed on supervision for an offense
2-11 other than a state jail felony and, if the judge suspends the
2-12 execution of the sentence or orders the execution of the sentence
2-13 only in part, shall impose conditions of community supervision
2-14 consistent with the recommendations contained in the presentence
2-15 investigation report prepared for the defendant.

2-16 SECTION 4. The changes in law made by this Act apply only to
2-17 the sentencing and placement on community supervision of a
2-18 defendant for an offense that is committed on or after the effective
2-19 date of this Act. The sentencing and placement on community
2-20 supervision of a defendant for an offense that is committed before
2-21 the effective date of this Act is governed by the law in effect on
2-22 the date the offense was committed, and that law is continued in
2-23 effect for that purpose. For purposes of this section, an offense
2-24 was committed before the effective date of this Act if any element
2-25 of the offense occurred before that date.

2-26 SECTION 5. This Act takes effect September 1, 2013.

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