

By: Allen

H.B. No. 1546

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the award of diligent participation credit to  
3 defendants confined in a state jail felony facility.

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

5 SECTION 1. Sections 15(h)(5) and (6), Article 42.12, Code  
6 of Criminal Procedure, are amended to read as follows:

7 (5) For a defendant who has participated in an  
8 educational, vocational, treatment, or work program while confined  
9 in a state jail felony facility, [~~not later than the 30th day before~~  
10 ~~the date on which the defendant will have served 80 percent of the~~  
11 ~~defendant's sentence,~~] the Texas Department of Criminal Justice  
12 shall record [~~report to the sentencing court~~] the number of days  
13 during which the defendant diligently participated in any  
14 educational, vocational, treatment, or work program. The  
15 department shall [~~The contents of a report submitted under this~~  
16 ~~subdivision are not subject to challenge by a defendant.~~

17 [~~(6) A judge, based on the report received under~~  
18 ~~Subdivision (5), may~~] credit against a defendant's sentence [~~any~~  
19 ~~time a defendant is required to serve in a state jail felony~~  
20 ~~facility~~] additional time for each day the defendant actually  
21 served in the facility while diligently participating in an  
22 educational, vocational, treatment, or work program. A time  
23 credit under this subdivision may not exceed one-fifth of the  
24 defendant's original sentence [~~amount of time the defendant is~~

1 ~~originally required to serve in the facility~~]. A defendant may not  
2 be awarded a credit under this subdivision for any period during  
3 which the defendant is subject to disciplinary status [~~action~~]. A  
4 time credit under this subdivision is a privilege and not a right.

5       SECTION 2. The change in law made by this Act applies only  
6 to a person confined in a state jail felony facility for an offense  
7 committed on or after the effective date of this Act. A person  
8 confined in a state jail felony facility for an offense committed  
9 before the effective date of this Act is covered by the law in  
10 effect when the offense was committed, and the former law is  
11 continued in effect for that purpose. For purposes of this section,  
12 an offense was committed before the effective date of this Act if  
13 any element of the offense occurred before that date.

14       SECTION 3. This Act takes effect September 1, 2015.