

By: Rodríguez, Hinojosa

S.B. No. 589

A BILL TO BE ENTITLED

AN ACT

relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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

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

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

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