

House Bill 1546
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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 report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. ~~[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

SENATE VERSION (CS)

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0199 to read as follows:

Art. 42.0199. FINDING REGARDING DILIGENT PARTICIPATION CREDIT. If a person is convicted of a state jail felony, the judge shall make a finding and enter the finding in the judgment of the case regarding whether the person is presumptively entitled to diligent participation credit in accordance with Section 15(h), Article 42.12.

SECTION 2. Section 15(h), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivisions (1), (5), and (6) and adding Subdivisions (7) and (8) to read as follows:

(1) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6) ~~or (7).~~

(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 contents of a report submitted under this subdivision are not subject to challenge by a defendant.]~~

(6) For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is presumptively entitled to diligent participation credit and who has not been the subject of disciplinary action while confined in the state jail felony facility, the department shall ~~[A judge, based on the~~

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(5), may credit against 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.

If the judge does not take action under this subdivision on or before the 30th day after the date the judge receives the report, the department shall credit against 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 originally required to serve in the facility]~~. A defendant may not be awarded a credit under this subdivision for any period during which the defendant is subject to disciplinary status ~~[action]~~. A time credit under this subdivision is a privilege and not a right.

SECTION 2. The change in law made by this Act applies only to a person confined in a state jail felony facility for an

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~~report received under Subdivision (5), may]~~ credit against any time the [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.

(7) For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is not presumptively entitled to diligent participation credit or who has been the subject of disciplinary action while confined in the state jail felony facility, the department shall, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, report to the sentencing court the record of the number of days under Subdivision (5). The contents of a report submitted under this subdivision are not subject to challenge by a defendant. A judge, based on the report, may credit against 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.

(8) A time credit under Subdivision (6) or (7) [this subdivision] may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility. A defendant may not be awarded a credit under Subdivision (6) or (7) [this subdivision] for any period during which the defendant is subject to disciplinary status [action]. A time credit under Subdivision (6) or (7) [this subdivision] is a privilege and not a right.

SECTION 3. Same as House version.

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offense committed on or after the effective date of this Act. A person confined in a state jail felony facility for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

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SECTION 4. Same as House version.

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