

By: Oliverson

H.B. No. 3786

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for community supervision of defendants convicted of certain burglary offenses.

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

SECTION 1. Article 42A.056, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY SUPERVISION. A defendant is not eligible for community supervision under Article 42A.055 if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Article 42A.551;

(3) is adjudged guilty of an offense under Section 19.02, Penal Code;

(4) is convicted of an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code, if the victim of the offense was younger than 14 years of age at the time the offense was committed;

(5) is convicted of an offense under Section 20.04, Penal Code, if:

(A) the victim of the offense was younger than 14 years of age at the time the offense was committed; and

1 (B) the actor committed the offense with the  
2 intent to violate or abuse the victim sexually;

3 (6) is convicted of an offense under Section 20A.02,  
4 43.05, or 43.25, Penal Code; [~~or~~]

5 (7) is convicted of an offense for which punishment is  
6 increased under Section 481.134(c), (d), (e), or (f), Health and  
7 Safety Code, if it is shown that the defendant has been previously  
8 convicted of an offense for which punishment was increased under  
9 any of those subsections; or

10 (8) is convicted of an offense under Section 30.02,  
11 Penal Code, if it is shown on the trial of the offense that:

12 (A) the offense was committed in a habitation;  
13 and

14 (B) the defendant knew at the time of the offense  
15 that another person was present in the habitation.

16 SECTION 2. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24 SECTION 3. This Act takes effect September 1, 2017.