

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain felony offenses committed by an inmate released on parole or to mandatory supervision.

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

SECTION 1. Article 42.08, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1)(1) This subsection applies only to a defendant who is convicted of a felony offense punishable under Section 12.42(d) or 12.425(b), Penal Code, that was committed while the defendant was released on parole or to mandatory supervision.

(2) A judge sentencing the defendant may order the sentence for the offense to:

(A) run concurrently with the sentence for the offense for which the defendant was released on parole or to mandatory supervision; or

(B) commence immediately on completion of the sentence for the offense for which the defendant was released on parole or to mandatory supervision.

(3) A judge who orders a sentence to be imposed consecutively in the manner described by Subdivision (2)(B) shall, on pronouncing the sentence, order the defendant transferred to the custody of the Texas Department of Criminal Justice for purposes of serving the applicable sentences consecutively as described by that subdivision if the defendant has not been taken into custody by the

1 department following the automatic revocation of the defendant's
2 parole or mandatory supervision under Section 508.285, Government
3 Code.

4 SECTION 2. Subchapter I, Chapter 508, Government Code, is
5 amended by adding Section 508.285 to read as follows:

6 Sec. 508.285. AUTOMATIC REVOCATION ON CERTAIN FELONY
7 CONVICTIONS. Notwithstanding any other law, on a releasee's
8 conviction of a felony offense punishable under Section 12.42(d) or
9 12.425(b), Penal Code, the releasee's parole or mandatory
10 supervision is automatically revoked and the sentence for which the
11 releasee was on parole or mandatory supervision may not be
12 considered to have ceased to operate for purposes of Article 42.08,
13 Code of Criminal Procedure.

14 SECTION 3. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 4. This Act takes effect September 1, 2019.