87R11733 MCF-D

By:  J. Johnson of Harris H.B. No. 2791

A BILL TO BE ENTITLED

AN ACT

relating to confinement and treatment in a substance abuse felony punishment facility under a plea bargain agreement.

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

SECTION 1.  Article 42A.303, Code of Criminal Procedure, is amended by adding Subsection (c-1) to read as follows:

(c-1)  A judge may not impose the condition of community supervision described by this article on a defendant who has agreed to serving a term of confinement and treatment in a substance abuse felony punishment facility as part of a plea bargain agreement between the defendant and the attorney representing the state that has been otherwise approved by the court unless the judge determines that the defendant is a suitable candidate for treatment based on the suitability criteria established under Section 493.009(b), Government Code. If the judge does not impose a condition under this article, the plea bargain agreement remains valid and the other terms of the plea bargain agreement are unaffected.

SECTION 2.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date 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, 2021.