

BILL ANALYSIS

H.B. 1227
By: Metcalf
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The offense of possession or promotion of child pornography is not on the list of aggravated offenses for which defendants are ineligible to receive judge-ordered community supervision. A defendant convicted of an offense on that list and sentenced to prison would also be subject to an increase in the amount of time that must be served before being eligible for parole. H.B. 1227 adds the offense of possession or promotion of child pornography to the list.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1227 amends the Code of Criminal Procedure to include possession or promotion of child pornography in the list of offenses for which a defendant is ineligible for judge-ordered community supervision. By virtue of this ineligibility, per Government Code provisions relating to eligibility for release on parole and the computation of the parole eligibility date, an inmate serving a sentence for such an offense is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

H.B. 1227 amends the Health and Safety Code to make conforming changes.

H.B. 1227 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.