

By: Johnson

S.B. No. 85

A BILL TO BE ENTITLED

AN ACT

relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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

SECTION 1. Articles 42A.559(b), (f), and (h), Code of Criminal Procedure, are amended to read as follows:

(b) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but shall ~~may~~ be awarded diligent participation credit in accordance with Subsection (f) ~~[or (g)]~~.

(f) The ~~[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 credit against any time the 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.

(h) A time credit under Subsection (f) ~~[or (g)]~~ 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 time credit under Subsection (f) ~~[or (g)]~~ for any period during which the defendant is subject to disciplinary status. A time

1 credit under Subsection (f) [~~or (g)~~] is a privilege and not a right.

2       SECTION 2. The following provisions of the Code of Criminal  
3 Procedure are repealed:

4               (1) Article 42.0199; and

5               (2) Article 42A.559(g).

6       SECTION 3. The change in law made by this Act applies only  
7 to a person confined in a state jail felony facility for an offense  
8 committed on or after the effective date of this Act. A person  
9 confined in a state jail felony facility for an offense committed  
10 before the effective date of this Act is governed by the law in  
11 effect on the date the offense was committed, and the former law is  
12 continued in effect for that purpose. For purposes of this section,  
13 an offense was committed before the effective date of this Act if  
14 any element of the offense occurred before that date.

15       SECTION 4. This Act takes effect September 1, 2023.