

BILL ANALYSIS

H.B. 1762
By: Leach
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes, under certain circumstances set in statute, judge-ordered community supervision, jury-recommended community supervision, deferred adjudication community supervision, or state jail felony community supervision for certain defendants. Current law also limits the use of these types of community supervision under certain circumstances, such as when the crime committed is particularly egregious or if the defendant meets specified criteria, such as a previous criminal history that would impact justice or public safety. The bill author has informed the committee that it is not in the best interest of justice for a defendant who shows disregard for the laws of the United States or of Texas to be allowed to walk freely and potentially threaten public safety and that, accordingly, a defendant should be ineligible for any type of community supervision if the defendant is an alien who previously broke the law by entering the United States without inspection or at any time or any place other than as designated by the U.S. attorney general or if the defendant is an alien who was admitted as a nonimmigrant and, before the date of the commission of the applicable offense, has failed to maintain the nonimmigrant status under which the alien was admitted or to which it was changed under federal law or to comply with the conditions of the alien's status. H.B. 1762 seeks to address the eligibility for community supervision of a defendant who is an illegal alien as defined by the bill.

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. 1762 amends the Code of Criminal Procedure to make a defendant who is an illegal alien ineligible for the following:

- judge-ordered community supervision;
- jury-recommended community supervision;
- deferred adjudication community supervision; and
- state jail felony community supervision.

The bill defines "illegal alien" for purposes of statutory provisions relating to community supervision as an alien who, as follows:

- entered the United States without inspection or at any time or any place other than as designated by the U.S. attorney general; or

- was admitted as a nonimmigrant and, before the date of the commission of the offense, had failed to maintain the nonimmigrant status under which the alien was admitted or to which it was changed under the federal Immigration and Nationality Act, or to comply with the conditions of the alien's status.

H.B. 1762 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date 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 these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.