

## **BILL ANALYSIS**

H.B. 4566  
By: Allen  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Reports indicate that only some state jail felony defendants are awarded diligent participation credit while many others are not. It has been suggested that this may be due to the fact that eligibility for the credit is determined by the judge who sentences the defendant. There have been calls to make diligent participation credit for participating in various programs available to all state jail felony offenders. H.B. 4566 seeks to bring fairness to the award of these credits and to encourage participation in educational, vocational, treatment, and work programs by providing for such a change.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 4566 repeals a Code of Criminal Procedure provision requiring a judge to make and enter a finding in the judgment of a case of a person who is convicted of a state jail felony regarding whether the person is presumptively entitled to diligent participation credit. The bill amends the Code of Criminal Procedure to change the authorization for the Texas Department of Criminal Justice to credit additional time for each day a defendant actually served in a state jail felony facility while diligently participating in a educational, vocational, treatment, or work program against any time the defendant is required to serve in the facility with a requirement to do so. This change applies to a person confined in a state jail felony facility for an offense committed on or after the bill's effective date.

H.B. 4566 repeals Articles 42.0199 and 42A.559(g), Code of Criminal Procedure.

### **EFFECTIVE DATE**

September 1, 2019.