

BILL ANALYSIS

Senate Research Center

H.B. 432
By: Place (Whitmire)
Criminal Justice
4-27-97
Engrossed

DIGEST

Currently, both a second degree felony for murder and for indecency with a child are offenses for which an inmate is made ineligible for release on mandatory supervision. This legislation confirms that inmates convicted of those offenses are ineligible for community supervision, and includes a third degree felony under Section 21.11, Penal Code, regarding indecency with a child, to the list of offenses precluding premature release.

PURPOSE

As proposed, H.B. 432 establishes the ineligibility of certain inmates for release on mandatory supervision.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 8(c), Article 42.18, Code of Criminal Procedure, to prohibit a prisoner from being released to mandatory supervision if the prisoner is serving a sentence for, or has previously been convicted of, a first or second degree felony under Section 19.02, Penal Code, regarding murder; or a second or third degree felony under Section 21.11, Penal Code, regarding indecency with a child.

SECTION 2. (a) Provides that the amendment made to this Act in adding a second degree felony under Sections 19.02 and 21.11, Penal Code, to the list of offenses for which an inmate is made ineligible for release on mandatory supervision, is not a change in law, but rather confirms those inmates' ineligibility for release on mandatory supervision, consistent with the intent of the 73rd Legislature, Regular Session, 1993, as evidenced by the addition of those offenses to Section 3g, Article 42.12, Code of Criminal Procedure, regarding limitations placed on judge-ordered community supervision.

(b) Makes application of this Act prospective regarding a third degree felony under Section 21.11, Penal Code.

SECTION 3. Emergency clause.
Effective date: upon passage.