

## **BILL ANALYSIS**

Senate Research Center

H.B. 550  
By: Phillips (Seliger)  
Criminal Justice  
4/25/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Presentence investigation reports are often used by judges to assist them in determining appropriate punishments for defendants. The reports describe the circumstances of the offense with which the defendant is charged, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history of the defendant, and other information related to the defendant or the offense requested by the judge. The reports must also contain a proposed client supervision plan describing programs and sanctions that the community supervision and corrections department would provide the defendant if the judge suspended the imposition of the sentence or granted deferred adjudication.

However, there are circumstances in felony cases under which a judge is not required to order a presentence report, unless requested by the defendant. These cases include those in which the defendant opts to have the jury assess punishment, the defendant is convicted of, or enters into a plea of guilty or nolo contendere to capital murder, the only available punishment is imprisonment, or a plea bargain agreement exists, under which the defendant agrees to a punishment of imprisonment.

H.B. 550 provides a judge discretion in granting a request for a presentence report by a defendant in a felony case under the circumstances listed above.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 9(d) and (g), Article 42.12, Code of Criminal Procedure, as follows:

(d) Requires the judge, unless waived by the defendant and at least 48 hours before sentencing a defendant, rather than simply before sentencing a defendant, to permit the defendant or the defendant's counsel to read the presentence report.

(g) Provides that a judge is not required, rather than not required unless requested by the defendant, to direct an officer to prepare a presentence report in certain felony cases.

SECTION 2. Effective date: September 1, 2005.