

BILL ANALYSIS

Senate Research Center

H.B. 1610
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires certain first-time state jail felony drug offenders to receive community supervision in lieu of incarceration in order to ensure that these offenders receive treatment. Unfortunately, there are long waiting lists for treatment in most counties. Many of these offenders commit new state jail felony drug offenses before receiving treatment, but the law does not require a repeat felony drug offender to receive community supervision. The court is authorized to reduce the offender's punishment to a Class A misdemeanor, however.

H.B. 1610 authorizes a judge who sentences a certain state jail felony drug offender whose sentence has been reduced to a Class A misdemeanor to suspend the sentence and place the offender on community supervision.

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 Section 15(a)(1), Article 42.12, Code of Criminal Procedure, to require the judge, on a state jail felony conviction of the unlawful possession of a controlled substance in Penalty Groups 1, 1-A, or 2, of marijuana, of a prescription form, or of a prescription for a Schedule II or III substance, that is punished under Section 12.44(a) (Reduction of State Jail Felony Punishment to Misdemeanor Punishment), Penal Code, to suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony, other than a felony punished under Section 12.44(a), Penal Code, in which event the judge is authorized to either suspend the imposition of the sentence and place the defendant on community supervision or order the sentence to be executed.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.