

BILL ANALYSIS

Senate Research Center
80R7783 PEP-D

H.B. 2115
By: Frost, Lucio III (Zaffirini)
Criminal Justice
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Generally, a judge is authorized to grant deferred adjudication for the commission of a crime, placing the defendant on community supervision, after receiving a plea of guilty or nolo contendere from a defendant and upon hearing the evidence, finding that it substantiates the defendant's guilt. Texas law provides an exception to the general rule, prohibiting a person who commits the offense of Driving While Intoxicated from receiving deferred adjudication. However, the law does not prohibit a defendant from receiving deferred adjudication for committing the offenses of Driving While Intoxicated with a Child Passenger or Assembling or Operating an Amusement Ride While Intoxicated.

H.B. 2115 includes, in addition to certain other offenses, offenses under Section 49.045 (Driving While Intoxicated with a Child Passenger) and 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), Penal Code, as exceptions to the offenses for which a judge cannot grant deferred adjudication.

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 5(d), Article 42.12, Code of Criminal Procedure, to authorize the judge, in all cases in which a judge does not defer further proceedings without entering an adjudication of guilt, to grant deferred adjudication, unless the defendant is charged with an offense under Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), 49.05 (Flying While Intoxicated), 49.06 (Boating While Intoxicated), 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), 49.07 (Intoxication Assault), or 49.08 (Intoxication Manslaughter), Penal Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.