

BILL ANALYSIS

Senate Research Center
81R12872 PEP-D

C.S.S.B. 1832
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Criminal Justice
4/9/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law makes a defendant adjudged guilty of certain offenses ineligible to receive judge-ordered community supervision. Currently, those offenses are murder; capital murder; indecency with a child; aggravated kidnapping; aggravated sexual assault; aggravated robbery; certain drug related offenses; sexual assault; sexual performance by a child; certain offenses relating to an injury to a child, an elderly individual, or disabled individual; and certain offenses involving the use of a deadly weapon. Criminal solicitation is not among the offenses for which a defendant is ineligible to be released on judge-ordered community supervision.

Current law makes most defendants convicted of one of those offenses ineligible for release on parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time.

C.S.S.B. 1832 amends current law relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

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. Reenacts Section 3g(a), Article 42.12, Code of Criminal Procedure, as amended by Chapters 405 (S.B. 877) and 593 (H.B. 8), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

- (a) Provides that the provisions of Section 3 of this article do not apply to a defendant adjudged guilty of an offense under certain sections, including Section 15.03 (Criminal Solicitation), Penal Code, if the offense is punishable as a felony of the first degree. Makes nonsubstantive changes.

SECTION 2. Amends Section 508.145(d), Government Code, to provide that an inmate serving a sentence for certain offenses, including an offense described by Section 3g(a)(1)(J) (relating to Section 43.25 (Sexual Performance by a Child), Penal Code) or (K) (relating to Section 15.03 (Criminal Solicitation), Penal Code), Article 42.12 (Community Supervision), Code of Criminal Procedure, is not eligible for release on parole until the inmate's actual calendar timer served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 3. Amends Section 508.149(a), Government Code, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of certain offenses, including a first degree felony under Section 15.03, Penal Code. Makes nonsubstantive changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Provides that to the extent of any conflict, this Act prevails over another Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: September 1, 2009.