

BILL ANALYSIS

Senate Research Center
88R3561 JRR-F

H.B. 1227
By: Metcalf et al. (Bettencourt)
Criminal Justice
5/17/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The offense of possession or promotion of child pornography is not on the list of aggravated offenses for which defendants are ineligible to receive judge-ordered community supervision. A defendant convicted of an offense on that list and sentenced to prison would also be subject to an increase in the amount of time that must be served before being eligible for parole.

H.B. 1227 adds the offense of possession or promotion of child pornography to the list.

H.B. 1227 amends current law relating to changing the eligibility for community supervision of a person convicted of possession or promotion of child pornography.

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 Article 42A.054(a), Code of Criminal Procedure, as follows:

(a) Provides that Article 42A.053 (Judge-Ordered Community Supervision) does not apply to a defendant adjudged guilty of an offense under:

(1)-(15) makes no changes to these subdivisions;

(16) Section 43.26, Penal Code (Possession or Promotion of Child Pornography);
or

(17)-(18) redesignates existing Subdivisions (16) and (17) as Subdivisions (17) and (18).

SECTION 2. Amends Section 773.06141(c), Health and Safety Code, to require that a certificate holder's certificate be revoked if the certificate holder has been convicted of or placed on deferred adjudication community supervision or deferred disposition for certain offenses, including an offense listed in Article 42A.054(a)(17), rather than (16), Code of Criminal Procedure.

SECTION 3. Amends Section 773.06141(a), Health and Safety Code, to make a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.