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AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 3g, 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, is reenacted and amended to read as follows:

(a) The provisions of Section 3 of this article do not apply:

(1) to a defendant adjudged guilty of an offense under:

(A) Section 19.02, Penal Code (Murder);

(B) Section 19.03, Penal Code (Capital murder);

(C) Section 21.11(a)(1), Penal Code (Indecency with a child);

(D) Section 20.04, Penal Code (Aggravated kidnapping);

(E) Section 22.021, Penal Code (Aggravated sexual assault);

(F) Section 29.03, Penal Code (Aggravated robbery);

(G) Chapter 481, Health and Safety Code, for

1 which punishment is increased under:

2 (i) Section 481.140, Health and Safety
3 Code; or

4 (ii) Section 481.134(c), (d), (e), or (f),
5 Health and Safety Code, if it is shown that the defendant has been
6 previously convicted of an offense for which punishment was
7 increased under any of those subsections;

8 (H) Section 22.011, Penal Code (Sexual assault);
9 ~~[or]~~

10 (I) Section 22.04(a)(1), Penal Code (Injury to a
11 child, elderly individual, or disabled individual), if the offense
12 is punishable as a felony of the first degree and the victim of the
13 offense is a child; ~~[or]~~

14 (J) ~~[(I)]~~ Section 43.25, Penal Code (Sexual
15 performance by a child); or

16 (K) Section 15.03, Penal Code, if the offense is
17 punishable as a felony of the first degree; or

18 (2) to a defendant when it is shown that a deadly
19 weapon as defined in Section 1.07, Penal Code, was used or exhibited
20 during the commission of a felony offense or during immediate
21 flight therefrom, and that the defendant used or exhibited the
22 deadly weapon or was a party to the offense and knew that a deadly
23 weapon would be used or exhibited. On an affirmative finding under
24 this subdivision, the trial court shall enter the finding in the
25 judgment of the court. On an affirmative finding that the deadly
26 weapon was a firearm, the court shall enter that finding in its
27 judgment.

SECTION 2. Subsection (d), Section 508.145, Government Code, is amended to read as follows:

(d) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), ~~(I)~~, (J), or (K), Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, is not eligible for release on parole until the inmate's actual calendar time 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. Subsection (a), Section 508.149, Government Code, is amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

(1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(2) a first degree felony or a second degree felony under Section 19.02, Penal Code;

(3) a capital felony under Section 19.03, Penal Code;

(4) a first degree felony or a second degree felony under Section 20.04, Penal Code;

(5) an offense under Section 21.11, Penal Code;

(6) a felony under Section 22.011, Penal Code;

(7) a first degree felony or a second degree felony under Section 22.02, Penal Code;

(8) a first degree felony under Section 22.021, Penal Code;

(9) a first degree felony under Section 22.04, Penal Code;

(10) a first degree felony under Section 28.02, Penal Code;

(11) a second degree felony under Section 29.02, Penal Code;

(12) a first degree felony under Section 29.03, Penal Code;

(13) a first degree felony under Section 30.02, Penal Code;

(14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code; ~~[or]~~

(16) an offense under Section 21.02, Penal Code; or

(17) a first degree felony under Section 15.03, Penal Code.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that

1 date.

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

6 SECTION 6. This Act takes effect September 1, 2009._____

Rand Beuhner
President of the Senate

Jon Strom
Speaker of the House

I hereby certify that S.B. No. 1832 passed the Senate on
April 20, 2009, by the following vote: Yeas 30, Nays 0._____

Katey Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1832 passed the House on
May 12, 2009, by the following vote: Yeas 143, Nays 0, two
present not voting._____

Robert Haney
Chief Clerk of the House

Approved:

23 MAY '09

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5pm O'CLOCK

MAY 23 2009

Boyd Roberts
Secretary of State