

SUBJECT: Expanding judges' authority to give credit on sentence for certain jail time

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Collier, Zedler, J. González, Hunter, P. King, Moody, Pacheco
2 nays — K. Bell, Murr

WITNESSES: For — Allen Place, Texas Criminal Defense Lawyers Association;
(*Registered, but did not testify*: M. Paige Williams, Dallas County
Criminal District Attorney John Creuzot; Traci Berry, Goodwill Central
Texas; Lori Henning, Texas Association of Goodwills; Douglas Smith,
Texas Criminal Justice Coalition; Emily Gerrick, Texas Fair Defense
Project; Lauren Oertel, Texas Inmate Families Association; Marc Levin,
Texas Public Policy Foundation)

Against — None

BACKGROUND: Code of Criminal Procedure art. 42.03, sec. 2 requires judges to give
criminal defendants credit on their sentences for time that the defendants
spent in jail for the case from the time of arrest and confinement until
sentencing and for time spent in other facilities under certain conditions.

Some have noted that judges do not have the discretion in cases in which
criminal defendants are charged with more than one crime to grant credit
on the second case for time spent in jail.

DIGEST: HB 1761 would expand the authority for judges to give defendants credit
on sentences for time spent in jail on a specific case.

In addition to the current authorization, judges could give criminal
defendants credit on sentences for time in jail or prison for another case if
that jail or prison time occurred after the commission of the offense that
resulted in the first conviction and before the sentencing date.

The bill would take effect September 1, 2019, and would apply to

defendants sentenced on or after that date.