

BILL ANALYSIS

Senate Research Center

H.B. 89
By: Talton (Patterson)
Criminal Justice
5-13-97
Engrossed

DIGEST

Many convicted felons, once paroled, return to the Texas prison system multiple times for committing various felony offenses. A number of these offenses are state jail felony offenses. However, in *State of Texas vs. Mancusco*, state jail felonies could not be used for enhancement purposes under the habitual offender statute. H.B. 89 would require that persons convicted three times of felony offenses, including state jail felonies, be sentenced to life in prison, or for a term of no more than 99 years and no less than 25 years.

PURPOSE

As proposed, H.B. 89 establishes the applicability of habitual offender punishment provisions to certain defendants convicted of state jail felonies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.42(d)(1), Penal Code, to require a defendant who is shown on the trial of a felony offense to have been previously convicted of two felony offenses and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, to be punished on conviction by imprisonment in the institutional division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years. Deletes existing text making an exception for certain state jail felonies.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.