

BILL ANALYSIS

Senate Research Center
79R13316 EMT-D

C.S.S.B. 1675
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Criminal Justice
4/28/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, a judge having jurisdiction in a Class A or Class B misdemeanor case may sentence a defendant who has been placed or continued on community supervision to a term in the county jail not to exceed thirty days. However, many county jails have treatment programs that require attendance beyond those thirty days. Defendants charged with misdemeanor offenses are normally the best candidates for such programs, but are unable to attend due to a relatively short length of stay allowable in county jail. Ensuring that an individual completes the treatment program will aid in reducing recidivism and guarantee successful reintegration of the defendant into the community.

C.S.S.B. 1675 intends to enhance the effectiveness of jail treatment programs by increasing the term of confinement a judge may impose on a defendant as a condition of community supervision from thirty days to not more than sixty days for a Class B misdemeanor and not more than ninety days for a Class A misdemeanor, if the judge has ordered the defendant to participate in a jail treatment program.

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 Section 12(a), Article 42.12, Code of Criminal Procedure, to allow an exception to the maximum 30 day confinement period authorized under this section if, in addition to the period of confinement, the judge orders the defendant to participate in a substance abuse treatment, mental health treatment, educational, or vocational program to be provided in the jail during the period of confinement. Prohibits the period of confinement, if the judge orders the defendant to participate in one of these programs in the jail, from exceeding 60 days for a Class B misdemeanor or 90 days for a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.