

## **BILL ANALYSIS**

Senate Research Center  
81R92 PEP-D

S.B. 1832  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law makes a defendant adjudged guilty of certain offenses ineligible to receive judge-ordered community supervision. Currently, those offenses are murder; capital murder; indecency with a child; aggravated kidnapping; aggravated sexual assault; aggravated robbery; certain drug related offenses; sexual assault; sexual performance by a child; certain offenses relating to an injury to a child, an elderly individual, or disabled individual; and certain offenses involving the use of a deadly weapon. Criminal solicitation is not among the offenses for which a defendant is ineligible to be released on judge-ordered community supervision.

Current law makes most defendants convicted of one of those offenses ineligible for release on parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time.

As proposed, S.B. 1832 prohibits a defendant adjudged guilty of an offense of criminal solicitation from being eligible for judge-ordered community supervision if the offense is punishable as a felony in the first degree. The bill prohibits an inmate who is serving a sentence for or who has previously been convicted of a first degree felony for criminal solicitation from being released to mandatory supervision.

### **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. Reenacts Section 3g(a), Article 42.12, Code of Criminal Procedure, as amended by Chapters 405 and 593, Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

- (a) Provides that the provisions of Section 3 of this article do not apply to a defendant adjudged guilty of an offense under certain sections, including Section 15.03 (Criminal Solicitation), Penal Code, if the offense is punishable as a felony of the first degree. Makes nonsubstantive changes.

SECTION 2. Amends Section 508.149(a), Government Code, as follows:

- (a) Prohibits an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of certain offenses, including a first degree felony under Section 15.03, Penal Code. Makes a nonsubstantive change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.