

BILL ANALYSIS

C.S.H.B. 1509
By: Murphy
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is a small fraction of criminals for whom the standard punishment is not an effective deterrent to the crime. For this group, being caught and convicted and serving a sentence is merely the cost of doing business. Many of these offenders specialize in a particular crime, such as burglary of a habitation, drug sales or possession, and burglary of a motor vehicle. When they are caught, they serve minimal time, and return to the community with the intent to reoffend. C.S.H.B. 1509 seeks to address this problem by enhancing penalties for repeat offenders and empowering courts to utilize judicial discretion when making sentencing decisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1509 amends the Penal Code to enhance from a Class A misdemeanor to a state jail felony the penalty for an offense that is otherwise a Class A misdemeanor if it is shown on the trial of the offense that:

- the defendant has previously been finally convicted four or more times of a Class A misdemeanor or any higher category of offense;
- each such conviction was for an offense that occurred subsequent to the previous conviction having become final;
- at least one previous conviction was for a felony offense; and
- each of the previous offenses was committed in the 10-year period preceding the date of commission of the instant offense.

The bill excludes a state jail felony resulting from such an enhancement from use for enhancement purposes under statutory provisions enhancing the penalty or punishment, as applicable, for certain repeat and habitual felony offenders with specified previous felony convictions.

C.S.H.B. 1509 includes a previous conviction of two state jail felonies resulting from the bill's enhancement of a Class A misdemeanor offense among the state jail felony convictions used as the basis for the enhancement of certain state jail felonies to a third degree felony for certain repeat and habitual misdemeanor offenders. The bill excludes a previous conviction for a state jail felony resulting from the bill's enhancement from the previous felony convictions that may be used as the basis for the enhancement of certain state jail felonies to a second degree felony for those offenders.

C.S.H.B. 1509 amends the Code of Criminal Procedure to include a conviction punishable as a state jail felony as a result of the bill's enhancement of a Class A misdemeanor offense among the convictions for which a judge may suspend the imposition of the defendant's sentence and place the defendant on community supervision or order the sentence to be executed in whole or in part with a period of community supervision. The bill includes a conviction of a state jail felony resulting from the bill's enhancement of certain Texas Controlled Substances Act offenses among the convictions for which a judge is required to suspend the imposition of the defendant's sentence and place the defendant on community supervision.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1509 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that the penalty enhancement applies only with regard to previous offenses for which the defendant has been finally convicted and includes a condition that was not in the original that each conviction be for an offense that occurred subsequent to the previous conviction having become final for purposes of the penalty enhancement.