

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 Cruzot; 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.