

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1827  
By: Shapleigh  
Criminal Justice  
4-29-97  
Committee Report (Substituted)

### **DIGEST**

Currently, according to 1990 census data, more than 25 percent of Texans are of Hispanic origin. Moreover, a majority of Hispanics in Texas speak a language other than English at home. However, in 1995 the Court of Criminal Appeals of Texas ruled that denying a defendant community supervision based on the person's inability to speak English was constitutionally permissible. This legislation prohibits a judge from denying a defendant community supervision based on the defendant's inability to speak, read, write, hear, or understand English.

### **PURPOSE**

As proposed, C.S.S.B. 1827 establishes the characteristics of a defendant that shall not be used by a judge to deny community supervision.

### **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 3, Article 42.12, Code of Criminal Procedure, by adding Subsection (g), to prohibit a judge from denying community supervision to a defendant based solely on the defendant's inability to speak, read, write, hear, or understand English.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 3, Article 42.12, Code of Criminal Procedure, to prohibit a judge from denying community supervision to a defendant based solely on the defendant's inability to speak, read, write, hear, or understand English. Deletes the provision prohibiting a defendant from being denied community supervision based on certain of the defendant's characteristics.