

## **BILL ANALYSIS**

Senate Research Center

S.B. 663  
By: Whitmire  
Criminal Justice  
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As Filed

### **DIGEST**

Currently, on conviction of a state jail felony, a judge is required to suspend the sentence and place the defendant on community supervision if the person is a first-offender, and a judge may require the defendant to be incarcerated as a condition of probation. This legislation makes all probation discretionary while allowing direct incarceration of a defendant. In addition, S.B. 663 authorizes a judge to require a defendant to be confined in a state jail during any period of the defendant's sentence, rather than only at the beginning of the community supervision period.

### **PURPOSE**

As proposed, S.B. 663 establishes the authority of a judge to place a defendant convicted of a state jail felony on community supervision and the conditions of community supervision that the judge may impose on the defendant.

### **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 Sections 15(a) and (d), Article 42.12, Code of Criminal Procedure, to authorize a judge, on conviction of a state jail felony punished under Section 12.35(a), Penal Code, to suspend the imposition of the sentence and place the defendant on community supervision or order the sentence to be executed, rather than requiring a judge, under the same circumstances, to suspend the imposition of the sentence of confinement and place the defendant on community supervision, unless the defendant has been previously convicted of a felony. Authorizes a judge to impose as a condition of community supervision that a defendant submit at any time during, rather than at the beginning of, the period of community supervision to a certain term of confinement in a state jail felony facility.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.