

BILL ANALYSIS

Senate Research Center
76R329 GWK-D

C.S.S.B. 31
By: Shapiro
Criminal Justice
3/4/1999
Committee Report (Substituted)

DIGEST

Currently, under Texas law, it is possible for a registered sex offender to be released early from community supervision. There are currently three offenses that deny offenders the right to request and receive early termination of community supervision: DWI offenders, state jail felonies, and probation violators. This bill adds any registered sex offender to the list of offenders who are ineligible for requesting or receiving early termination of community supervision.

PURPOSE

As proposed, C.S.S.B. 31 denies certain sex offenders the ability to request early termination of 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 5(c), Article 42.12, Code of Criminal Procedure, to authorize a judge to dismiss the proceedings and discharge a defendant other than a defendant charged with an offense requiring the defendant to register as a sex offender under Chapter 62, rather than described by Section 13B(b). Prohibits the judge from dismissing the proceeding and discharging the defendant charged with an offense requiring the defendant to register under Chapter 62. Deletes text authorizing a judge to dismiss the proceedings and discharge a defendant charged with a felony described by Section 13B(b) only if in the judge's opinion the best interest of society and the defendant will be served and the defendant has successfully completed at least two-thirds of the period of community supervision.

SECTION 2. Amends Section 20(b), Article 42.12, Code of Criminal Procedure, to establish that this section does not apply to a defendant convicted of an offense for which on conviction registration as a sex offender is required under Chapter 62.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 5(c), Article 42.12, Code of Criminal Procedure, to authorize a judge to dismiss the proceedings and discharge a defendant other than a defendant charged with an offense requiring the defendant to register as a sex offender under Chapter 62, rather than described by Section 13B(b). Prohibits the judge from dismissing the proceeding and discharging the defendant charged with an offense requiring the defendant to register under Chapter 62. Deletes text authorizing a judge to dismiss the proceedings and discharge a defendant charged with a felony described by Section 13B(b) only if in the judge's opinion the best interest of society and the defendant will be served and the defendant has successfully completed at least two-thirds of the

period of community supervision.

SECTION 2.

Redesignates existing SECTIONS 1 through 4 as SECTIONS 2 through 5.