

BILL ANALYSIS

Senate Research Center

H.B. 3613
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Jurisprudence
5/11/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a court is required to sentence certain repeat offenders of public intoxication to probation, which includes substance abuse counseling. A court is authorized to sentence such an offender to jail only after the third conviction. There is concern that certain individuals who are sentenced to probation and fined do not have the resources to comply with the terms of the punishment. When an offender violates the terms of probation, probation is revoked and the offender is sent to jail. This situation may be inefficient as well as burdensome for judges, district attorneys, police officers, and probation officers who are forced to devote more time to cases in which the offender may have been better served with one jail sentence. H.B. 3613 authorizes, rather than requires, a court to suspend the imposition of a sentence and place a defendant convicted of disorderly conduct or public intoxication on community supervision.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15A, Article 42.12, Code of Criminal Procedure, by removing an exception as provided by Subsection (b). Authorizes, rather than requires, the court to suspend the imposition of the sentence and place the defendant on community supervision. Adds the condition that the court finds that the defendant would benefit from community supervision and enters its finding on the record. Deletes Subsection (b), regarding a defendant's previous conviction.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.