

## **BILL ANALYSIS**

Senate Research Center  
81R8898 GCB-D

S.B. 1278  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A 2009 Texas Court of Criminal Appeals ruling specified that a judge can overrule a jury's criminal sentence recommendation of incarceration, and instead sentence the defendant to community supervision. Current law dictates that a judge shall follow the jury's judgment when community supervision is recommended, but contains a loophole allowing community supervision when a jury orders incarceration.

As proposed, S.B. 1278 prohibits a judge from suspending a jury's prison sentence in favor of 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 4(a), Article 42.12, Code of Criminal Procedure, to prohibit the judge, if a jury that imposes confinement as punishment for an offense does not recommend that the judge suspend the imposition of the sentence and place the defendant on community supervision, from suspending the imposition of the sentence and placing the defendant on community supervision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.