

1-1 By: Allen (Senate Sponsor - Rodríguez) H.B. No. 1546  
 1-2 (In the Senate - Received from the House April 16, 2015;  
 1-3 April 30, 2015, read first time and referred to Committee on  
 1-4 Criminal Justice; May 11, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
 1-6 May 11, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1546 By: Whitmire

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the award of diligent participation credit to  
 1-20 defendants confined in a state jail felony facility.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
 1-23 amended by adding Article 42.0199 to read as follows:

1-24 Art. 42.0199. FINDING REGARDING DILIGENT PARTICIPATION  
 1-25 CREDIT. If a person is convicted of a state jail felony, the judge  
 1-26 shall make a finding and enter the finding in the judgment of the  
 1-27 case regarding whether the person is presumptively entitled to  
 1-28 diligent participation credit in accordance with Section 15(h),  
 1-29 Article 42.12.

1-30 SECTION 2. Section 15(h), Article 42.12, Code of Criminal  
 1-31 Procedure, is amended by amending Subdivisions (1), (5), and (6)  
 1-32 and adding Subdivisions (7) and (8) to read as follows:

1-33 (1) A defendant confined in a state jail felony  
 1-34 facility does not earn good conduct time for time served in the  
 1-35 facility but may be awarded diligent participation credit in  
 1-36 accordance with Subdivision (6) or (7).

1-37 (5) For a defendant who has participated in an  
 1-38 educational, vocational, treatment, or work program while confined  
 1-39 in a state jail felony facility, [~~not later than the 30th day before~~  
 1-40 ~~the date on which the defendant will have served 80 percent of the~~  
 1-41 ~~defendant's sentence,~~] the Texas Department of Criminal Justice  
 1-42 shall record [~~report to the sentencing court~~] the number of days  
 1-43 during which the defendant diligently participated in any  
 1-44 educational, vocational, treatment, or work program. [~~The contents~~  
 1-45 ~~of a report submitted under this subdivision are not subject to~~  
 1-46 ~~challenge by a defendant.~~]

1-47 (6) For a defendant with a judgment that contains a  
 1-48 finding under Article 42.0199 that the defendant is presumptively  
 1-49 entitled to diligent participation credit and who has not been the  
 1-50 subject of disciplinary action while confined in the state jail  
 1-51 felony facility, the department shall [~~A judge, based on the report~~  
 1-52 ~~received under Subdivision (5), may]~~ credit against any time the  
 1-53 [~~a~~] defendant is required to serve in a state jail felony facility  
 1-54 additional time for each day the defendant actually served in the  
 1-55 facility while diligently participating in an educational,  
 1-56 vocational, treatment, or work program.

1-57 (7) For a defendant with a judgment that contains a  
 1-58 finding under Article 42.0199 that the defendant is not  
 1-59 presumptively entitled to diligent participation credit or who has  
 1-60 been the subject of disciplinary action while confined in the state

2-1 jail felony facility, the department shall, not later than the 30th  
2-2 day before the date on which the defendant will have served 80  
2-3 percent of the defendant's sentence, report to the sentencing court  
2-4 the record of the number of days under Subdivision (5). The contents  
2-5 of a report submitted under this subdivision are not subject to  
2-6 challenge by a defendant. A judge, based on the report, may credit  
2-7 against any time a defendant is required to serve in a state jail  
2-8 felony facility additional time for each day the defendant actually  
2-9 served in the facility while diligently participating in an  
2-10 educational, vocational, treatment, or work program.

2-11 (8) A time credit under Subdivision (6) or (7) [~~this~~  
2-12 ~~subdivision~~] may not exceed one-fifth of the amount of time the  
2-13 defendant is originally required to serve in the facility. A  
2-14 defendant may not be awarded a credit under Subdivision (6) or (7)  
2-15 [~~this subdivision~~] for any period during which the defendant is  
2-16 subject to disciplinary status [~~action~~]. A time credit under  
2-17 Subdivision (6) or (7) [~~this subdivision~~] is a privilege and not a  
2-18 right.

2-19 SECTION 3. The change in law made by this Act applies only  
2-20 to a person confined in a state jail felony facility for an offense  
2-21 committed on or after the effective date of this Act. A person  
2-22 confined in a state jail felony facility for an offense committed  
2-23 before the effective date of this Act is covered by the law in  
2-24 effect when the offense was committed, and the former law is  
2-25 continued in effect for that purpose. For purposes of this section,  
2-26 an offense was committed before the effective date of this Act if  
2-27 any element of the offense occurred before that date.

2-28 SECTION 4. This Act takes effect September 1, 2015.

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