

1-1 By: Rodríguez, Hinojosa S.B. No. 589  
 1-2 (In the Senate - Filed February 16, 2015; February 23, 2015,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 7, 2015, reported favorably by the following vote: Yeas 4,  
 1-5 Nays 2; April 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman		X		
1-9 Burton	X			
1-10 Creighton		X		
1-11 Hinojosa	X			
1-12 Menéndez			X	
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the award of diligent participation credit to  
 1-18 defendants confined in a state jail felony facility.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 15(h)(5) and (6), Article 42.12, Code  
 1-21 of Criminal Procedure, are amended to read as follows:

1-22 (5) For a defendant who has participated in an  
 1-23 educational, vocational, treatment, or work program while confined  
 1-24 in a state jail felony facility, [~~not later than the 30th day before~~  
 1-25 ~~the date on which the defendant will have served 80 percent of the~~  
 1-26 ~~defendant's sentence,~~] the Texas Department of Criminal Justice  
 1-27 shall record [~~report to the sentencing court~~] the number of days  
 1-28 during which the defendant diligently participated in any  
 1-29 educational, vocational, treatment, or work program. The  
 1-30 department shall [~~The contents of a report submitted under this~~  
 1-31 ~~subdivision are not subject to challenge by a defendant.~~

1-32 [~~(6) A judge, based on the report received under~~  
 1-33 ~~Subdivision (5), may~~] credit against a defendant's sentence [~~any~~  
 1-34 ~~time a defendant is required to serve in a state jail felony~~  
 1-35 ~~facility]~~ additional time for each day the defendant actually  
 1-36 served in the facility while diligently participating in an  
 1-37 educational, vocational, treatment, or work program. A time credit  
 1-38 under this subdivision may not exceed one-fifth of the defendant's  
 1-39 original sentence [~~amount of time the defendant is originally~~  
 1-40 ~~required to serve in the facility]~~. A defendant may not be awarded  
 1-41 a credit under this subdivision for any period during which the  
 1-42 defendant is subject to disciplinary status [~~action~~]. A time  
 1-43 credit under this subdivision is a privilege and not a right.

1-44 SECTION 2. The change in law made by this Act applies only  
 1-45 to a person confined in a state jail felony facility for an offense  
 1-46 committed on or after the effective date of this Act. A person  
 1-47 confined in a state jail felony facility for an offense committed  
 1-48 before the effective date of this Act is covered by the law in  
 1-49 effect when the offense was committed, and the former law is  
 1-50 continued in effect for that purpose. For purposes of this section,  
 1-51 an offense was committed before the effective date of this Act if  
 1-52 any element of the offense occurred before that date.

1-53 SECTION 3. This Act takes effect September 1, 2015.

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