

1-1 By: Huffman S.B. No. 552
1-2 (In the Senate - Filed December 9, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 10, 2025, reported favorably by the following vote: Yeas 5,
1-5 Nays 1; April 10, 2025, sent to printer.)

1-6	COMMITTEE VOTE			
1-7		Yea	Nay	Absent
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King			X
1-14	Miles		X	

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

1-17 relating to changing the eligibility of certain persons to receive
1-18 community supervision, including deferred adjudication community
1-19 supervision.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 42A.001, Code of Criminal Procedure, is
1-22 amended by adding Subdivision (3-a) to read as follows:

1-23 (3-a) "Illegal alien" means an alien who:

1-24 (A) entered the United States without inspection
1-25 or at any time or any place other than as designated by the United
1-26 States attorney general; or

1-27 (B) was admitted as a nonimmigrant and, before
1-28 the date of the commission of the offense, had failed to maintain
1-29 the nonimmigrant status under which the alien was admitted or to
1-30 which it was changed under Section 248, Immigration and Nationality
1-31 Act (8 U.S.C. Section 1258), or to comply with the conditions of the
1-32 alien's status.

1-33 SECTION 2. Article 42A.053(c), Code of Criminal Procedure,
1-34 is amended to read as follows:

1-35 (c) A defendant is not eligible for community supervision
1-36 under this article if the defendant ~~[is sentenced to serve]~~:

1-37 (1) is sentenced to serve:

1-38 (A) a term of imprisonment that exceeds 10 years;
1-39 or

1-40 (B) ~~[(2)]~~ a term of confinement under Section
1-41 12.35, Penal Code; or

1-42 (2) is an illegal alien.

1-43 SECTION 3. Article 42A.056, Code of Criminal Procedure, is
1-44 amended to read as follows:

1-45 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY
1-46 SUPERVISION. A defendant is not eligible for community supervision
1-47 under Article 42A.055 if the defendant:

1-48 (1) is sentenced to a term of imprisonment that
1-49 exceeds 10 years;

1-50 (2) is convicted of a state jail felony for which
1-51 suspension of the imposition of the sentence occurs automatically
1-52 under Article 42A.551;

1-53 (3) is adjudged guilty of an offense under Section
1-54 19.02, Penal Code;

1-55 (4) is convicted of an offense under Section 21.11,
1-56 22.011, or 22.021, Penal Code, if the victim of the offense was
1-57 younger than 14 years of age at the time the offense was committed;

1-58 (5) is convicted of an offense under Section 20.04,
1-59 Penal Code, if:

1-60 (A) the victim of the offense was younger than 14
1-61 years of age at the time the offense was committed; and

(B) the actor committed the offense with the intent to violate or abuse the victim sexually;

(6) is convicted of an offense under Section 20A.02, 20A.03, 43.04, 43.05, or 43.25, Penal Code;

(7) is convicted of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections; ~~or~~

(8) is convicted of an offense under Section 481.1123, Health and Safety Code, if the offense is punishable under Subsection (d), (e), or (f) of that section; or

(9) is an illegal alien.

SECTION 4. Article 42A.102(b), Code of Criminal Procedure, is amended to read as follows:

(b) In all other cases, the judge may grant deferred adjudication community supervision unless:

(1) the defendant is charged with an offense:

(A) under Section 20A.02, 20A.03, 49.045, 49.05, 49.061, 49.065, 49.07, or 49.08, Penal Code;

(B) under Section 49.04 or 49.06, Penal Code, and, at the time of the offense:

(i) the defendant held a commercial driver's license or a commercial learner's permit; or

(ii) the defendant's alcohol concentration, as defined by Section 49.01, Penal Code, was 0.15 or more;

(C) for which punishment may be increased under Section 49.09, Penal Code;

(D) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections; or

(E) under Section 481.1123, Health and Safety Code, that is punishable under Subsection (d), (e), or (f) of that section;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, 22.021, 43.04, or 43.05, Penal Code, regardless of the age of the victim, or a felony described by Article 42A.453(b), other than a felony described by Subdivision (1)(A) or (3)(B) of this subsection; and

(B) has previously been placed on community supervision for an offense under Paragraph (A);

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3) or (4), Penal Code; ~~or~~

(4) the defendant is charged with an offense under Section 19.02, Penal Code, except that the judge may grant deferred adjudication community supervision on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken; or

(5) the defendant is an illegal alien.

SECTION 5. Article 42A.551, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding any other provision of this article, a defendant is not eligible for community supervision under this subchapter if the defendant is an illegal alien.

SECTION 6. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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SECTION 7. This Act takes effect September 1, 2025.
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