

By: Allen

H.B. No. 1546

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

(6) A judge, based on the report received under Subdivision (5), may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. If the judge does not take action under this subdivision on or before the 30th day after the date the judge receives the report, the department shall credit against any time a

1 defendant is required to serve in a state jail felony facility  
2 additional time for each day the defendant actually served in the  
3 facility while diligently participating in an educational,  
4 vocational, treatment, or work program. A time credit under this  
5 subdivision may not exceed one-fifth of the defendant's original  
6 sentence [~~amount of time the defendant is originally required to~~  
7 ~~serve in the facility~~]. A defendant may not be awarded a credit  
8 under this subdivision for any period during which the defendant is  
9 subject to disciplinary status [~~action~~]. A time credit under this  
10 subdivision is a privilege and not a right.

11       SECTION 2. The change in law made by this Act applies only  
12 to a person confined in a state jail felony facility for an offense  
13 committed on or after the effective date of this Act. A person  
14 confined in a state jail felony facility for an offense committed  
15 before the effective date of this Act is covered by the law in  
16 effect when the offense was committed, and the former law is  
17 continued in effect for that purpose. For purposes of this section,  
18 an offense was committed before the effective date of this Act if  
19 any element of the offense occurred before that date.

20       SECTION 3. This Act takes effect September 1, 2015.