

## CHAPTER 255

## H.B. No. 826

An Act relating to the eligibility of certain defendants for participation in a restitution center program as an alternative to confinement in the Texas Department of Corrections.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 6c(a), Article 42.12, Code of Criminal Procedure, 1965, as added by Chapter 237, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(a) If a judge sentences a defendant to a term of imprisonment in the Texas Department of Corrections and the defendant is eligible for probation, the judge may suspend imposition of the sentence of imprisonment and require as a condition of probation, in addition to the conditions imposed under Section 6 of this article, that the defendant serve an alternate probationary sentence of not less than six months or more than 12 months in a restitution center if:

- (1) the district is served by a restitution center;
- (2) the defendant is not sentenced for a felony offense under Title 5, Penal Code; ~~or under the Texas Controlled Substances Act (Article 4476/15, Vernon's Texas Civil Statutes);~~
- (3) before sentencing, the defendant, in writing, requests of the court special issues as to whether the defendant:
  - (A) caused the bodily injury, serious bodily injury, or death of another as a result of the commission of the offense; or
  - (B) used a deadly weapon during the commission of or flight from the offense;
- (4) the trier of facts answers both issues submitted under Subdivision (3) of this subsection in the negative; and
- (5) the trier of facts determines that the defendant ~~(does not have an extensive history of drug or alcohol abuse and)~~ is employable.

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 24, 1985, by the following vote: Yeas 138, Nays 0, 1 present, not voting; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 4, 1985

Effective: Immediately