

CHAPTER 29

S.B. No. 186

An Act relating to the sentencing of a defendant who commits an offense while an inmate in the Texas Department of Corrections; amending Article 42.08, Code of Criminal Procedure, 1965.

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

SECTION 1. Article 42.08, Code of Criminal Procedure, 1965, is amended to read as follows:

“Article 42.08. CUMULATIVE OR CONCURRENT SENTENCE. (a) When the same defendant has been convicted in two or more cases, and the punishment assessed in each case is confinement in an institution operated by the Department of Corrections or the jail for a term of imprisonment, judgment and sentence shall be pronounced in each case in the same manner as if there had been but one conviction. *Except as provided by Section (b) of this article, [except that]* in the discretion of the court, the judgment in the second and subsequent convictions may either be that the punishment shall begin when the judgment and sentence in the preceding conviction has ceased to operate, or that the punishment shall run concurrently with the other case or cases, and sentence and execution shall be accordingly.

“(b) *If a defendant is sentenced for an offense committed while the defendant was a prisoner in the Department of Corrections and the defendant has not completed the sentence he was serving at the time of the offense, the judge shall order the sentence for the subsequent offense to commence immediately on completion of the sentence for the original offense.*”

SECTION 2. Section (b), Article 42.08, Code of Criminal Procedure, 1965, applies only to a sentence imposed for an offense committed on or after the effective date of this Act. However, the court shall take account of a sentence imposed for an offense committed before the effective date for the purpose of determining the date on which a subsequent sentence for an offense committed on or after the effective date commences.

SECTION 3. This Act takes effect September 1, 1985.

SECTION 4. 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.

Passed the Senate on February 20, 1985, by a viva-voce vote; passed the House on April 2, 1985, by a non-record vote.

Approved: April 11, 1985

Effective: September 1, 1985