

CHAPTER 344

S.B. No. 845

An Act relating to matters to be reflected in judgments, to certain prescribed uses of copies of judgments, to the transfer of documents and information concerning a defendant to the Department of Corrections, and to the requirement of a uniform judgment form; amending the Code of Criminal Procedure, 1965, as amended, by amending Section 1 of and adding Section 4 to Article 42.01 and amending Section 7 of Article 42.09, as added by Chapter 810, Acts of the 68th Legislature, Regular Session, 1983.

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

SECTION 1. Section 1, Article 42.01, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

"Section 1. A judgment is the written declaration of the court signed by the trial judge and entered of record showing the conviction or acquittal of the defendant. *The sentence served shall be based on the information contained in the judgment.* The judgment should reflect:

- "1. The title and number of the case;
- "2. That the case was called and the parties appeared, naming the attorney for the state, the defendant, and the attorney for the defendant, or, where a defendant is not represented by counsel, that the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel;
- "3. The plea or pleas of the defendant to the offense charged;
- "4. Whether the case was tried before a jury or a jury was waived;
- "5. The submission of the evidence, if any;
- "6. In cases tried before a jury that the jury was charged by the court;
- "7. The verdict or verdicts of the jury or the finding or findings of the court;
- "8. In the event of a conviction that the defendant is adjudged guilty of the offense as found by the verdict of the jury or the finding of the court, and that the defendant be punished in accordance with the jury's verdict or the court's finding as to the proper punishment;
- "9. In the event of conviction where death or any nonprobated punishment is assessed that the defendant be sentenced to death, a term of imprisonment, or to pay a fine, as the case may be;
- "10. In the event of conviction where any probated punishment is assessed that the imposition of sentence is suspended and the defendant is placed on probation, setting forth the punishment assessed, the length of probation, and the probationary terms and conditions; ~~and~~
- "11. In the event of acquittal that the defendant be discharged;
- "12. *The county and court in which the case was tried;*
- "13. *The offense or offenses for which the defendant was convicted;*

"14. The date of the offense or offenses and degree of offense for which the defendant was convicted;

"15. The term of sentence;

"16. The date judgment is entered;

"17. The date sentence is imposed;

"18. The date sentence is to commence and any credit for time served;

"19. The terms of any order entered pursuant to Article 42.08 of this code that the defendant's sentence is to run cumulatively or concurrently with another sentence or sentences;

"20. The terms of any plea bargain; and

"21. Affirmative findings entered pursuant to Subdivision (2) of Subsection (a) of Section 3f of Article 42.12 of this code, as amended."

SECTION 2. Article 42.01, Code of Criminal Procedure, 1965, as amended, is amended by adding Section 4 to read as follows:

"Section 4. The Office of Court Administration of the Texas Judicial System shall promulgate a standardized felony judgment form that conforms to the requirements of Section 1 of this article. A copy of the promulgated form shall be mailed to all district courts hearing criminal cases on or before October 1, 1985."

SECTION 3. Section 7, Article 42.09, Code of Criminal Procedure, 1965, as added by Chapter 810, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

"Section 8 [7]. (a) A county that transfers a defendant to the Department of Corrections under this Article shall deliver to the director of the department:

"(1) a copy of the judgment entered pursuant to Article 42.01 of this code, as amended;

"(2) a copy of any order revoking probation and imposing sentence pursuant to Section 8 of Article 42.12 of this code, as amended, including any amounts owed for restitution, fines, and court costs; and

"(3) [prepare] a written report [to the director of the department] that states [:

"[1] the offense or offenses for which the defendant has been sentenced; and

"[2] the nature and the seriousness of each offense.

"(b) The Department of Corrections shall [may] not take a defendant into custody under this Article until the director receives the documents [written report] required by Subsection (a) of this section.

"(c) A county that transfers a defendant to the Department of Corrections under this Article shall also deliver to the director of the department any presentence investigation report or psychological or psychiatric evaluation of the defendant and may deliver to the director any additional information upon which the judge or jury bases the punishment decision.

"(d) The Department of Corrections shall make documents received under Subsections (a) and (c) [a report required by Subsection (a)] of this section available to the Board of Pardons and Paroles on the request of the board or its representative."

SECTION 4. Sections 1 and 3 of this Act take effect January 1, 1986, and Section 2 of this Act takes immediate effect on passage.

SECTION 5. 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 according to its terms, and it is so enacted.

Passed the Senate on April 25, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendments on May 21, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 10, 1985

Effective: Immediately, except for Sections 1 and 3 which are effective January 1, 1986.