

CHAPTER 889

S.B. No. 109

AN ACT

relating to presentence and postsentence reports in certain criminal cases.

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

SECTION 1. Section 9, Article 42.12, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsection (k) to read as follows:

(g) Unless requested by the defendant, a judge is not required to direct an officer to prepare a presentence report in a felony case under this section if:

- (1) punishment is to be assessed by a jury;*
- (2) the defendant is convicted of or enters a plea of guilty or nolo contendere to capital murder;*
- (3) the only available punishment is imprisonment; or*
- (4) the judge is informed that a plea bargain agreement exists under which the defendant agrees to a punishment of imprisonment and the judge intends to follow the agreement [The probation officer making a report under this section shall send a copy of the report to an institution to which the defendant is committed].*

(k) If a presentence report in a felony case is not required under this section, the judge shall direct the officer to prepare a postsentence report containing the same information that would have been required for the presentence report, other than a proposed client supervision plan and any information that is reflected in the judgment. The officer shall send the postsentence report to the clerk of the court not later than the 30th day after the date on which sentence is pronounced or deferred adjudication is granted, and the clerk shall file the postsentence report with the papers in the case.

SECTION 2. (a) The change in law made by this Act applies only to a defendant charged with an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) A defendant who commits an offense before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1993.

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 May 7, 1993, by a viva-voce vote; the Senate concurred in House amendment on May 28, 1993, by a viva-voce vote; passed the House, with amendment, on May 26, 1993, by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.