

CHAPTER 513

H.B. No. 554

AN ACT

relating to the imposition of cumulative or concurrent probated sentences.

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

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

Art. 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 Sections (b) and (c) ~~[Section (b)]~~ of this article, in the discretion of the court, the judgment in the second and subsequent convictions may either be that the *sentence imposed or suspended* ~~[punishment]~~ shall begin when the judgment and *the sentence imposed or suspended* in the preceding conviction has ceased to operate, or that the *sentence imposed or suspended* ~~[punishment]~~ shall run concurrently with the other case or cases, and sentence and execution shall be accordingly; *provided, however, that the cumulative total of suspended sentences in felony cases shall not exceed 10 years, and the cumulative total of suspended sentences in misdemeanor cases shall not exceed the maximum period of imprisonment in jail applicable to the misdemeanor offenses, though in no event more than two years.*

(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.

(c) *If a defendant has been convicted in two or more cases and the court suspends the imposition of the sentence in one of the cases, the court may not order a sentence of confinement to commence on the completion of a suspended sentence for an offense.*

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 May 20, 1987, by the following vote: Yeas 134, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 554 on May 30, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 28, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.