

CHAPTER 110

S.B. No. 26

AN ACT

relating to the notification of certain county and district officers before an order of parole of, or on a grant of clemency for, certain convicted persons and to contents of judgments.

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

SECTION 1. Subsection (k), Section 8, Article 42.18, Code of Criminal Procedure, as added by Section 2, Chapter 427, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(k) It shall be the duty of the board at least 10 days before ordering the parole of any prisoner or *at least 10 days after recommending* ~~upon~~ the granting of executive clemency by the governor to notify the sheriff, the prosecuting attorney, and the district judge in the county where such person was convicted that such parole or clemency is being considered by the board or by the governor. *For any case in which there was a change of venue, the board shall notify those same officials in the county in which the prosecution was originated if, no later than 30 days after the date on which the defendant was sentenced, those officials request in writing that the board give them notice under this section of any future release of the prisoner.*

SECTION 2. Section 1, Article 42.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 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;
11. In the event of acquittal that the defendant be discharged;
12. The county and court in which the case was tried *and, if there was a change of venue in the case, the name of the county in which the prosecution was originated;*
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;