

AN ACT

relating to the representation of a community supervision and corrections department in cases in which a person under the supervision of that department challenges the fact or duration of the supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 76.006, Government Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The attorney general has the duty to defend a department for suits for injunctive, declaratory, or monetary relief brought against it for any action not covered by an indemnification policy, except any action brought by the state or another political subdivision.

(d-1) If a person under the supervision of a department challenges the fact or duration of the supervision, the attorney general or the district or county attorney with jurisdiction over the offense for which the person is under supervision shall defend the department or its employees. The attorney general must defend the department or its employees in a case described by this subsection if the district or county attorney is unable to defend the department or its employees, as applicable. At the request of a district or county attorney, the [The] attorney general may provide assistance to the district or county attorney in defending [shall

1 ~~not defend~~] a department or its employees in cases described by this  
2 subsection [~~in which a person under supervision challenges the fact~~  
3 ~~or duration of the supervision~~].

4 SECTION 2. Section 76.006(d-1), Government Code, as added  
5 by this Act, applies only to a case described by that subsection  
6 that is initiated on or after the effective date of this Act. A case  
7 that is initiated before the effective date of this Act is governed  
8 by the law in effect on the date the case was initiated, and the  
9 former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1088 was passed by the House on April 11, 2023, by the following vote: Yeas 141, Nays 3, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1088 was passed by the Senate on May 9, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor