

1-1 By: A. Johnson of Harris (Senate Sponsor - Whitmire) H.B. No. 1088
 1-2 (In the Senate - Received from the House April 11, 2023;
 1-3 April 13, 2023, read first time and referred to Committee on
 1-4 Criminal Justice; May 3, 2023, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 3, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Flores	X			
1-9 Bettencourt	X			
1-10 Hinojosa	X			
1-11 Huffman	X			
1-12 King			X	
1-13 Miles			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the representation of a community supervision and
 1-18 corrections department in cases in which a person under the
 1-19 supervision of that department challenges the fact or duration of
 1-20 the supervision.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 76.006, Government Code, is amended by
 1-23 amending Subsection (d) and adding Subsection (d-1) to read as
 1-24 follows:

1-25 (d) The attorney general has the duty to defend a department
 1-26 for suits for injunctive, declaratory, or monetary relief brought
 1-27 against it for any action not covered by an indemnification policy,
 1-28 except any action brought by the state or another political
 1-29 subdivision.

1-30 (d-1) If a person under the supervision of a department
 1-31 challenges the fact or duration of the supervision, the attorney
 1-32 general or the district or county attorney with jurisdiction over
 1-33 the offense for which the person is under supervision shall defend
 1-34 the department or its employees. The attorney general must defend
 1-35 the department or its employees in a case described by this
 1-36 subsection if the district or county attorney is unable to defend
 1-37 the department or its employees, as applicable. At the request of a
 1-38 district or county attorney, the [The] attorney general may provide
 1-39 assistance to the district or county attorney in defending [shall
 1-40 not defend] a department or its employees in cases described by this
 1-41 subsection [in which a person under supervision challenges the fact
 1-42 or duration of the supervision].

1-43 SECTION 2. Section 76.006(d-1), Government Code, as added
 1-44 by this Act, applies only to a case described by that subsection
 1-45 that is initiated on or after the effective date of this Act. A case
 1-46 that is initiated before the effective date of this Act is governed
 1-47 by the law in effect on the date the case was initiated, and the
 1-48 former law is continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect September 1, 2023.

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