

By: Collier

H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

relating to certain technical violations of conditions of community supervision.

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

SECTION 1. Subchapter P, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.7555 to read as follows:

Art. 42A.7555. PROCEDURES APPLICABLE TO CERTAIN TECHNICAL VIOLATIONS. (a) This article applies to any violation of a condition of community supervision by a defendant on community supervision for a nonviolent offense that is punishable as a state jail felony or a felony of the third degree, other than a violation that involves:

(1) being arrested for, charged with, or convicted of an offense;

(2) failing to report to a supervision officer as directed for 180 days or more; or

(3) contacting the victim of the offense for which the defendant was placed on community supervision.

(b) Notwithstanding any other provision of this chapter and except as provided by Subsection (c), if after a hearing under Article 42A.751(d) the judge determines the defendant violated only a condition of community supervision to which this article applies, the judge may not revoke the defendant's community supervision but

1 may continue, extend, or modify the community supervision. If the
2 judge requires the defendant to serve a term of confinement based on
3 a violation to which this article applies, the term may not exceed:

4 (1) 45 days if the defendant's community supervision
5 has not previously been continued, extended, or modified under this
6 subsection;

7 (2) 90 days if the defendant's community supervision
8 has previously been continued, extended, or modified under this
9 subsection, subject to Subdivision (3); or

10 (3) 180 days if the defendant's community supervision
11 has previously been continued, extended, or modified two times
12 under this subsection.

13 (c) This article does not limit the authority of a judge to
14 revoke a defendant's community supervision or to impose a term of
15 confinement for:

16 (1) a violation of community supervision not described
17 by Subsection (a); or

18 (2) a violation of community supervision described by
19 Subsection (a) if the defendant's community supervision has
20 previously been continued, extended, or modified under Subsection
21 (b) three or more times.

22 (d) A judge may credit time spent by a defendant
23 participating in alcohol or substance abuse counseling or treatment
24 toward any term of confinement the defendant is required to serve
25 under Subsection (b).

26 (e) For purposes of this article, if the judge determines
27 that the defendant violated one or more conditions of community

1 supervision to which this article applies and those violations
2 arose out of the same transaction, the judge shall treat the
3 violations as a single violation.

4 SECTION 2. Chapter 509, Government Code, is amended by
5 adding Section 509.0175 to read as follows:

6 Sec. 509.0175. DISTRIBUTION OF COST SAVINGS RELATING TO
7 TECHNICAL VIOLATIONS. Notwithstanding any other provision of this
8 chapter, the Texas Department of Criminal Justice shall adopt
9 policies and procedures to:

10 (1) determine the cost savings to the Texas Department
11 of Criminal Justice realized through continuing, extending, or
12 modifying the community supervision of a defendant who commits a
13 technical violation as provided by Article 42A.7555, Code of
14 Criminal Procedure, instead of revoking the defendant's community
15 supervision; and

16 (2) provide:

17 (A) one-third of the cost savings described by
18 Subdivision (1) to the division to be allocated to individual
19 departments and used for the same purpose that state aid is used
20 under Section 509.011; and

21 (B) one-third of the cost savings described by
22 Subdivision (1) to the division to be used for making payments to
23 departments in accordance with Section 509.0071(e).

24 SECTION 3. Article 42A.7555, Code of Criminal Procedure, as
25 added by this Act, applies to a person on community supervision on
26 or after the effective date of this Act, regardless of whether the
27 person was placed on community supervision before, on, or after the

1 effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2023.