

By: Reynolds

H.B. No. 4502

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to jury instructions regarding parole eligibility, to  
3 certain conditions of bail and community supervision, and to the  
4 early termination of community supervision and the dismissal and  
5 discharge of deferred adjudication community supervision.

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

7 SECTION 1. Article 17.41(d), Code of Criminal Procedure, is  
8 amended to read as follows:

9 (d) To the extent that a condition imposed under this  
10 article conflicts with an existing court order granting possession  
11 of or access to a child, the condition imposed under this article  
12 prevails for a period specified by the magistrate~~[, not to exceed 90~~  
13 ~~days]~~.

14 SECTION 2. Section 4(a), Article 37.07, Code of Criminal  
15 Procedure, is amended to read as follows:

16 (a) In the penalty phase of the trial of a felony case in  
17 which the punishment is to be assessed by the jury rather than the  
18 court, if the offense of which the jury has found the defendant  
19 guilty is an offense under Section 71.02, Penal Code, other than an  
20 offense punishable as a state jail felony under that section, an  
21 offense under Section 71.023, Penal Code, or an offense listed in  
22 Article 42A.054(a), or if the judgment contains an affirmative  
23 finding under Article 42A.054(c) or (d), unless the defendant has  
24 been convicted of an offense under Section 21.02, Penal Code, an

1 offense under Section 22.021, Penal Code, that is punishable under  
2 Subsection (f) of that section, or a capital felony, the court shall  
3 charge the jury in writing as follows:

4 "The length of time for which a defendant is imprisoned may be  
5 reduced by the award of parole.

6 "Under the law applicable in this case, if the defendant is  
7 sentenced to a term of imprisonment, the defendant will not become  
8 eligible for parole until the actual time served equals one-half of  
9 the sentence imposed or 30 years, whichever is less. If the  
10 defendant was convicted of a second or third degree felony and is  
11 sentenced to a term of less than four years, the defendant must  
12 serve at least two years before the defendant is eligible for  
13 parole. Eligibility for parole does not guarantee that parole will  
14 be granted.

15 "It cannot accurately be predicted how the parole law might  
16 be applied to this defendant if sentenced to a term of imprisonment,  
17 because the application of that law will depend on decisions made by  
18 parole authorities.

19 "You may consider the existence of the parole law. You are  
20 not to consider the manner in which the parole law may be applied to  
21 this particular defendant."

22 SECTION 3. Article 42A.111(b), Code of Criminal Procedure,  
23 is amended to read as follows:

24 (b) The judge may dismiss the proceedings and discharge a  
25 defendant before the expiration of the period of deferred  
26 adjudication community supervision if, in the judge's opinion, the  
27 best interest of society and the defendant will be served, except

1 that this subsection does not authorize the judge to [~~may not~~]  
2 dismiss the proceedings and discharge a defendant charged with an  
3 offense:

4 (1) under Section 21.12, 49.04, or 49.06, Penal Code;

5 (2) requiring the defendant to register as a sex  
6 offender under Chapter 62; or

7 (3) punishable as a felony and:

8 (A) listed in Article 42A.054(a); or

9 (B) for which the judge finds that a deadly  
10 weapon was used or exhibited during the commission of the offense or  
11 during the immediate flight from the commission of the offense.

12 SECTION 4. Article 42A.503(c), Code of Criminal Procedure,  
13 is amended to read as follows:

14 (c) To the extent that a condition imposed under this  
15 article conflicts with an existing court order granting possession  
16 of or access to a child, the condition imposed under this article  
17 prevails for a period specified by the court granting community  
18 supervision[~~, not to exceed 90 days~~].

19 SECTION 5. Article 42A.701(g), Code of Criminal Procedure,  
20 is amended to read as follows:

21 (g) This article does not apply to a defendant convicted of:

22 (1) an offense under Section 21.12 or Sections  
23 49.04-49.08, Penal Code;

24 (2) an offense the conviction of which requires  
25 registration as a sex offender under Chapter 62; or

26 (3) a felony described by Article 42A.054.

27 SECTION 6. (a) Article 17.41, Code of Criminal Procedure,

1 as amended by this Act, applies only to a person who is arrested on  
2 or after the effective date of this Act. A person arrested before  
3 the effective date of this Act is governed by the law in effect on  
4 the date the person was arrested, and the former law is continued in  
5 effect for that purpose.

6 (b) Articles [42A.111](#), [42A.503](#), and [42A.701](#), Code of  
7 Criminal Procedure, as amended by this Act, apply only to a  
8 defendant placed on community supervision or deferred adjudication  
9 community supervision for an offense committed on or after the  
10 effective date of this Act. A defendant placed on community  
11 supervision or deferred adjudication community supervision for an  
12 offense committed before the effective date of this Act is governed  
13 by the law in effect on the date the offense was committed, and the  
14 former law is continued in effect for that purpose. For purposes  
15 of this section, an offense was committed before the effective date  
16 of this Act if any element of the offense was committed before that  
17 date.

18 SECTION 7. This Act takes effect September 1, 2023.