

By: Riddle

H.B. No. 1298

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the ability of a court to retain jurisdiction over a
3 person placed on community supervision who absconds.

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

5 SECTION 1. Section 5, Article 42.12, Code of Criminal
6 Procedure, is amended by adding Subsection (h) to read as follows:

7 (h) A court retains jurisdiction to hold a hearing under
8 Subsection (b) and to proceed with an adjudication of guilt,
9 regardless of whether the period of community supervision imposed
10 on the defendant has expired, if before the expiration the court
11 issues a warrant for violation of a condition of community
12 supervision. At a hearing to determine whether the defendant
13 violated any condition of community supervision, it is not a
14 defense to proceeding with an adjudication of guilt that the
15 warrant was not executed in a timely manner or was executed after
16 the expiration of the period of community supervision.

17 SECTION 2. Section 21, Article 42.12, Code of Criminal
18 Procedure, is amended by adding Subsection (e) to read as follows:

19 (e) A court retains jurisdiction to hold a hearing under
20 Subsection (b) and to revoke, continue, or modify community
21 supervision, regardless of whether the period of community
22 supervision imposed on the defendant has expired, if before the
23 expiration the court issues a warrant for violation of a condition
24 of community supervision. At a hearing to determine whether the

1 defendant violated any condition of community supervision, it is
2 not a defense to revocation that the warrant was not executed in a
3 timely manner or was executed after the expiration of the period of
4 community supervision.

5 SECTION 3. The change in law made by this Act applies to a
6 hearing under Article 42.12, Code of Criminal Procedure, as amended
7 by this Act, that commences on or after the effective date of this
8 Act, regardless of whether the defendant was placed on community
9 supervision before, on, or after the effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2003.