

By: Hilderbran

H.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the ability of a court to maintain 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 attorney
11 representing the state files a motion to proceed with the
12 adjudication and a capias is issued for the arrest of the defendant.

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

15 (e) A court retains jurisdiction to hold a hearing under
16 Subsection (b) and to revoke, continue, or modify community
17 supervision, regardless of whether the period of community
18 supervision imposed on the defendant has expired, if before the
19 expiration the attorney representing the state files a motion to
20 revoke, continue, or modify community supervision and a capias is
21 issued for the arrest of the defendant.

22 SECTION 3. The change in law made by this Act applies to a
23 hearing under Article 42.12, Code of Criminal Procedure, as amended
24 by this Act, that commences on or after the effective date of this

1 Act, regardless if the defendant was placed on community
2 supervision before, on, or after the effective date of this Act.

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