

By: Swinford

H.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the completion of community supervision for certain
3 criminal defendants.

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

5 SECTION 1. Section 20(a), Article 42.12, Code of Criminal
6 Procedure, is amended to read as follows:

7 (a) At any time, after the defendant has satisfactorily
8 completed one-third of the original community supervision period or
9 two years of community supervision, whichever is less, the period
10 of community supervision may be reduced or terminated by the judge,
11 after notice and an opportunity to appear are provided to the
12 attorney representing the state. Upon the satisfactory fulfillment
13 of the conditions of community supervision, and the expiration of
14 the period of community supervision, the judge, by order duly
15 entered, shall amend or modify the original sentence imposed, if
16 necessary, to conform to the community supervision period and shall
17 discharge the defendant. If the judge discharges the defendant
18 under this section, the judge may set aside the verdict or permit
19 the defendant to withdraw his plea, and shall dismiss the
20 accusation, complaint, information or indictment against the
21 defendant, who shall thereafter be released from all penalties and
22 disabilities resulting from the offense or crime of which he has
23 been convicted or to which he has pleaded guilty, except that:

24 (1) proof of the conviction or plea of guilty shall be

1 made known to the judge should the defendant again be convicted of
2 any criminal offense; and

3 (2) if the defendant is an applicant for a license or
4 is a licensee under Chapter 42, Human Resources Code, the Texas
5 Department of Human Services may consider the fact that the
6 defendant previously has received community supervision under this
7 article in issuing, renewing, denying, or revoking a license under
8 that chapter.

9 SECTION 2. (a) This Act takes effect September 1, 2003.

10 (b) The change in law made by this Act applies only to a
11 defendant placed on community supervision for an offense committed
12 on or after September 1, 2003. A defendant placed on community
13 supervision for an offense committed before September 1, 2003, is
14 covered by the law in effect when the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this subsection, an offense was committed before September 1, 2003,
17 if any element of the offense was committed before that date.