

By: Denny

H.B. No. 2685

Substitute the following for H.B. No. 2685:

By: Driver

C.S.H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the due diligence required of certain officers in
3 regard to the execution or attempted execution of warrants alleging
4 violations of conditions of community supervision.

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

6 SECTION 1. Article 42.12, Code of Criminal Procedure, is
7 amended by adding Section 11A to read as follows:

8 Sec. 11A. DUTY TO COMPLY. The duty to comply with conditions
9 of community supervision exists solely with the defendant.

10 SECTION 2. Article 42.12, Code of Criminal Procedure, is
11 amended by adding Section 24 to read as follows:

12 Sec. 24. DUE DILIGENCE. For the purposes of a hearing under
13 Section 5(b) or 21(b), a supervision officer, peace officer, or
14 other officer with the power of arrest under a warrant issued by a
15 judge on the violation of a condition of community supervision
16 satisfies a due diligence requirement if the officer contacts or
17 attempts to contact the defendant:

18 (1) by United States mail directed to the defendant
19 at, as reflected by the most recently posted bond noted in the
20 records of the county jail serving the county in which the defendant
21 was prosecuted, the defendant's last known residence address or
22 last known employment address;

23 (2) by telephone at, as reflected by the records of the
24 county jail serving the county in which the defendant was

1 prosecuted, the defendant's last known residence telephone number;
2 or
3 (3) by personal visit at, as reflected by the county
4 jail records of the county jail serving the county in which the
5 defendant was prosecuted, the defendant's last known residence
6 address.

7 SECTION 3. This Act takes effect September 1, 2003, and
8 applies only to a revocation or adjudication hearing under Article
9 42.12, Code of Criminal Procedure, that commences on or after that
10 date. A revocation or adjudication hearing that commences before
11 September 1, 2003, is covered by the law in effect when the hearing
12 commenced, and the former law is continued in effect for this
13 purpose.