

By: Denny

H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the due diligence required of a supervision officer,  
3 police officer, or other officer with the power of arrest in regards  
4 to a warrant issued by a judge for the violation of any of the  
5 conditions of community supervision.

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

7 SECTION 1. Section 42.12, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Article 42.12 Community Supervision

10 Sec. 1. It is the purpose of this article to place wholly  
11 within the state courts the responsibility for determining when the  
12 imposition of sentence in certain cases shall be suspended, the  
13 conditions of community supervision, and the supervision of  
14 defendants placed on community supervision, in consonance with the  
15 powers assigned to the judicial branch of this government by the  
16 Constitution of Texas. It is the purpose of this article to remove  
17 from existing statutes the limitations, other than questions of  
18 constitutionality, that have acted as barriers to effective systems  
19 of community supervision in the public interest.

20 The responsibility for compliance with the terms and  
21 conditions of community supervision are solely with the  
22 probationer.

23 SECTION 2. Section 42.123, Code of Criminal Procedure, is  
24 added to read as follows:

1           Article 42.123 Due Diligence

2           (a) A supervision officer, police officer, or other officer  
3 with the power of arrest for a warrant issued by a judge for the  
4 violation of any term or condition of community supervision  
5 satisfies any due diligence requirement for executing the warrant  
6 by:

7                   (1) Contact or attempted contact with the Defendant by  
8 United States mail directed to Defendant at the address shown on the  
9 most recent posted bond in the county jail records in the county in  
10 which the Defendant was prosecuted;

11                   (2) Contact or attempted contact at the last known  
12 residence of Defendant as shown by the county jail records in the  
13 county in which the Defendant was prosecuted;

14                   (3) Contact or attempted contact by telephone at the  
15 last known number of Defendant as shown by the county jail records  
16 in the county in which the Defendant was prosecuted.

17           SECTION 3. (a) The addition in law made by this Act to  
18 Section 42 of the Code of Criminal Procedure applies only to a  
19 proceeding on or after the effective date of this Act. A proceeding  
20 before the effective date of this Act is governed by the law in  
21 effect before the effective date of this Act, and the former law is  
22 continued for this purpose.

23           SECTION 4. This Act takes effect September 1, 2003.