

Amend CSHB 2193 as follows:

(1) Strike page 1, line 24, through page 2, line 8 and substitute the following:

(b) In [~~Except as provided by Subsection (f), in~~] a felony case the minimum period of community supervision is the same as the minimum term of imprisonment applicable to the offense and the maximum period of community supervision is, subject to the extensions provided by Section 22:

(1) 10 years, for a felony listed in Section 3g, a felony for which on conviction registration as a sex offender is required by Chapter 62, or any other first degree felony; and

(2) 5 years, for any other second or third degree felony.

(2) On page 2, between lines 26 and 27, insert the following:

(f) This section applies to offenses listed in Section 3g only to the extent that Subsection (b) establishes minimum and maximum periods of community supervision for those offenses.

(3) Strike page 3, line 27, through page 6, line 2, and substitute the following:

(a) Except as provided by Subsection (d) of this section, when in the judge's opinion the best interest of society and the defendant will be served, the judge may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on community supervision. A judge may place on community supervision under this section a defendant charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a defendant charged with a felony described by Section 13B(b) of this article, only if the judge makes a finding in open court that placing the defendant on community supervision is in the best interest of the victim. The failure of the judge to find that deferred adjudication is in the best interest of the victim is not grounds for the defendant to set aside the plea, deferred adjudication, or any subsequent conviction or sentence. After placing the defendant on community supervision

under this section, the judge shall inform the defendant orally or in writing of the possible consequences under Subsection (b) of this section of a violation of community supervision. If the information is provided orally, the judge must record and maintain the judge's statement to the defendant. The failure of a judge to inform a defendant of possible consequences under Subsection (b) of this section is not a ground for reversal unless the defendant shows that he was harmed by the failure of the judge to provide the information. The minimum and maximum terms of a period of community supervision under this section are the same terms provided under Section 3(b), subject to the extensions provided by Section 22. [~~In a felony case, the period of community supervision may not exceed 10 years. For a defendant charged with a felony under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, and for a defendant charged with a felony described by Section 13B(b) of this article, the period of community supervision may not be less than five years.~~] In a misdemeanor case, the period of community supervision may not exceed two years, subject to the extensions provided by Section 22. [~~A judge may increase the maximum period of community supervision in the manner provided by Section 22(c) or 22A of this article.~~] The judge may impose a fine applicable to the offense and require any reasonable conditions of community supervision, including mental health treatment under Section 11(d) of this article, that a judge could impose on a defendant placed on community supervision for a conviction that was probated and suspended, including confinement. The provisions of Section 15 of this article specifying whether a defendant convicted of a state jail felony is to be confined in a county jail or state jail felony facility and establishing the minimum and maximum terms of confinement as a condition of community supervision apply in the same manner to a defendant placed on community supervision after pleading guilty or nolo contendere to a state jail felony. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the judge shall proceed to final adjudication as in all other cases.

(4) Strike SECTION 6 of the bill (page 6, line 21, through

page 7, line 6), and renumber subsequent SECTIONS of the bill accordingly.

(5) On page 7, line 9, strike "shall [~~may~~]" and substitute "may".

(6) On page 7, line 15, between "facility" and the period, insert ", but only if the defendant successfully completes the court-ordered residential program after sentencing".

(7) On page 8, strike lines 1 and 2 and substitute the following:

"community service project if [~~, unless~~] the judge determines and notes on the order placing the defendant on community supervision".

(8) On page 8, line 24, after the period, insert the following:

Before conducting the review, the judge shall notify the attorney representing the state and the defendant.

(9) Strike page 10, line 16, through page 11, line 10, and substitute the following:

(c) The judge may extend a period of community supervision on a showing of good cause under this section as often as the judge determines is necessary, but the period of community supervision in a first, second, or third degree felony case may not exceed 10 years and, except as otherwise provided by this subsection, the period of community supervision in a misdemeanor case may not exceed three years. The judge may extend the period of community supervision in a misdemeanor case for any period the judge determines is necessary, not to exceed an additional two years beyond the three-year limit, if the defendant fails to pay a previously assessed fine, costs, or restitution and the judge determines that extending the period of supervision increases the likelihood that the defendant will fully pay the fine, costs, or restitution. A court may extend a period of community supervision under this section at any time during the period of supervision or, if a motion for revocation of community supervision is filed before the period of supervision ends, before the first anniversary of the date on which the period of supervision expires.

(10) On page 11, line 16, strike "shall" and substitute

"may".

(11) On page 11, line 19, between "facility" and the period, insert ", but only if the defendant successfully completes the court-ordered residential program after sentencing".

(12) On page 15, strike lines 3 and 4 and substitute the following:

"the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure, with respect to all records and files".

(13) On page 33, strike lines 7-10 and substitute the following:

SECTION 31. (a) Except as otherwise provided by this subsection, the change in law made by this Act applies to a person who is on community supervision on or after the effective date of this Act, regardless of when the person was initially placed on community supervision. The change in law made by this Act changing the maximum period of community supervision applies only to a defendant initially placed on community supervision on or after the effective date of this Act.