

By: Whitmire

S.B. No. 1259

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the early release of a defendant from community  
3 supervision.

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 Sec. 20. REDUCTION OR TERMINATION OF COMMUNITY SUPERVISION.

8 (a) At any time[~~7~~] after the defendant has satisfactorily  
9 completed one-third of the original community supervision period or  
10 two years of community supervision, whichever is less, the period  
11 of community supervision may be reduced or terminated by the judge.  
12 On completion of one-half of the original community supervision  
13 period, the judge shall review the defendant's record and consider  
14 whether to reduce or terminate the period of community supervision.  
15 If the judge determines that the defendant has satisfactorily  
16 fulfilled the conditions of community supervision, the judge shall  
17 terminate the defendant's period of community supervision. If the  
18 judge determines that the defendant has failed to satisfactorily  
19 fulfill the conditions of community supervision, the judge shall  
20 advise the defendant in writing of the requirements for  
21 satisfactorily fulfilling those conditions. Upon the satisfactory  
22 fulfillment of the conditions of community supervision, and the  
23 expiration of the period of community supervision, the judge, by  
24 order duly entered, shall amend or modify the original sentence

1 imposed, if necessary, to conform to the community supervision  
2 period and shall discharge the defendant. If the judge discharges  
3 the defendant under this section, the judge may set aside the  
4 verdict or permit the defendant to withdraw the defendant's [~~his~~]  
5 plea, and shall dismiss the accusation, complaint, information or  
6 indictment against the defendant, who shall thereafter be released  
7 from all penalties and disabilities resulting from the offense or  
8 crime of which the defendant [~~he~~] has been convicted or to which the  
9 defendant [~~he~~] has pleaded guilty, except that:

10 (1) proof of the conviction or plea of guilty shall be  
11 made known to the judge should the defendant again be convicted of  
12 any criminal offense; and

13 (2) if the defendant is an applicant for a license or  
14 is a licensee under Chapter 42, Human Resources Code, the Texas  
15 Department of Human Services may consider the fact that the  
16 defendant previously has received community supervision under this  
17 article in issuing, renewing, denying, or revoking a license under  
18 that chapter.

19 SECTION 2. This Act applies only to a defendant who is  
20 originally placed on community supervision on or after the  
21 effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2005.