

Amend CSSB 909 (house committee printing) in SECTION 35 of the bill as follows:

(1) In the recitation to SECTION 35 (page 36, line 9) strike "and (j)" and substitute ", (j), and (k)".

(2) In amended Section 509.011, Government Code, immediately after added Subsection (j) (page 38, between lines 9 and 10) insert the following:

(k) For purposes of Subsection (i)(2), the community supervision of a felony defendant is not revoked due to a technical violation of a condition of community supervision if the revocation is based on:

(1) the failure of the defendant to complete court-ordered treatment or counseling;

(2) the failure of the defendant to pay fees, fines, court costs, or restitution that the defendant has the ability to pay;

(3) the commission of a new criminal offense by the defendant;

(4) the failure of the defendant to appear as required before a community supervision and corrections department officer on three or more occasions;

(5) a positive test by the defendant on three or more occasions for use of alcohol or controlled substances or dangerous drugs; or

(6) the existence of a protective order, condition of release on bond, or condition of community supervision that prohibits the defendant from communicating with or going within a specified distance of any person.