

By: Laubenberg

H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to electronic monitoring as a required condition of community supervision and parole for certain violent offenders.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 13E to read as follows:

Sec. 13E. DEFENDANTS PLACED ON COMMUNITY SUPERVISION FOR VIOLENT OFFENSES; ELECTRONIC MONITORING. If a judge grants community supervision to a defendant charged with or convicted of an offense listed in Section 3g(a)(1) or for which the judgment contains an affirmative finding under Section 3g(a)(2), the judge shall require the defendant as a condition of community supervision for a period of not less than one year to:

(1) submit to tracking under an electronic monitoring service, global positioning satellite service, or other appropriate technological service designed to track a person's location;

(2) refrain from tampering with, altering, modifying, obstructing, or manipulating any equipment used by the service to which the defendant is required to submit under Subdivision (1); and

(3) unless the judge determines the defendant is indigent, pay periodically to the community supervision and corrections department supervising the defendant a fee in an amount

1 equal to the cost the department incurs during each period in
2 tracking the person under Subdivision (1).

3 SECTION 2. Subchapter F, Chapter 508, Government Code, is
4 amended by adding Section 508.192 to read as follows:

5 Sec. 508.192. ELECTRONIC MONITORING FOR CERTAIN RELEASEES.
6 A parole panel shall require as a condition of parole that a
7 releasee whose eligibility for parole is governed by Section
8 508.145, for a period of not less than one year:

9 (1) submit to tracking under an electronic monitoring
10 service, global positioning satellite service, or other
11 appropriate technological service designed to track a person's
12 location;

13 (2) refrain from tampering with, altering, modifying,
14 obstructing, or manipulating any equipment used by the service to
15 which the releasee is required to submit under Subdivision (1); and

16 (3) unless the parole panel determines the releasee is
17 indigent, pay periodically to the department an amount equal to the
18 cost the department incurs during each period in tracking the
19 releasee under Subdivision (1).

20 SECTION 3. The changes in law made by this Act in adding
21 Section 13E, Article 42.12, Code of Criminal Procedure, and Section
22 508.192, Government Code, apply only to a person who is placed on
23 community supervision or released on parole for an offense
24 committed on or after the effective date of this Act. A person who
25 is placed on community supervision or released on parole for an
26 offense committed before the effective date of this Act is governed
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense was committed before that date.

4 SECTION 4. This Act takes effect September 1, 2009.