

By: Carona

S.B. No. 423

A BILL TO BE ENTITLED

AN ACT

relating to the conditions of community supervision that may be imposed on a defendant with regard to association with a member of a criminal street gang.

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

SECTION 1. Subsection (a), Section 11, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) The judge of the court having jurisdiction of the case shall determine the conditions of community supervision and may, at any time~~[7]~~ during the period of community supervision, alter or modify the conditions. The judge may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Conditions of community supervision may include, but shall not be limited to, the conditions that the defendant shall:

(1) Commit no offense against the laws of this State or of any other State or of the United States;

(2) Avoid injurious or vicious habits;

(3) Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;

(4) Report to the supervision officer as directed by the judge or supervision officer and obey all rules and regulations

1 of the community supervision and corrections department;

2 (5) Permit the supervision officer to visit the
3 defendant at the defendant's home or elsewhere;

4 (6) Work faithfully at suitable employment as far as
5 possible;

6 (7) Remain within a specified place;

7 (8) Pay the defendant's fine, if one is ~~[be]~~ assessed,
8 and all court costs whether a fine is ~~[be]~~ assessed or not, in one or
9 several sums;

10 (9) Support the defendant's dependents;

11 (10) Participate, for a time specified by the judge,
12 in any community-based program, including a community-service work
13 program under Section 16 of this article;

14 (11) Reimburse the county in which the prosecution was
15 instituted for compensation paid to appointed counsel for defending
16 the defendant in the case, if counsel was appointed, or if the
17 defendant was represented by a county-paid public defender, in an
18 amount that would have been paid to an appointed attorney had the
19 county not had a public defender;

20 (12) Remain under custodial supervision in a community
21 corrections facility, obey all rules and regulations of the ~~[such]~~
22 facility, and pay a percentage of the defendant's income to the
23 facility for room and board;

24 (13) Pay a percentage of the defendant's income to the
25 defendant's dependents for their support while under custodial
26 supervision in a community corrections facility;

27 (14) Submit to testing for alcohol or controlled

1 substances;

2 (15) Attend counseling sessions for substance abusers
3 or participate in substance abuse treatment services in a program
4 or facility approved or licensed by the Texas Commission on Alcohol
5 and Drug Abuse;

6 (16) With the consent of the victim of a misdemeanor
7 offense or of any offense under Title 7, Penal Code, participate in
8 victim-defendant mediation;

9 (17) Submit to electronic monitoring;

10 (18) Reimburse the compensation to victims of crime
11 fund for any amounts paid from that fund to or on behalf of a victim,
12 as defined by Article 56.32, of the defendant's offense or if no
13 reimbursement is required, make one payment to the compensation to
14 victims of crime fund in an amount not to exceed \$50 if the offense
15 is a misdemeanor or not to exceed \$100 if the offense is a felony;

16 (19) Reimburse a law enforcement agency for the
17 analysis, storage, or disposal of raw materials, controlled
18 substances, chemical precursors, drug paraphernalia, or other
19 materials seized in connection with the offense;

20 (20) Pay all or part of the reasonable and necessary
21 costs incurred by the victim for psychological counseling made
22 necessary by the offense or for counseling and education relating
23 to acquired immune deficiency syndrome or human immunodeficiency
24 virus made necessary by the offense;

25 (21) Make one payment in an amount not to exceed \$50 to
26 a crime stoppers organization as defined by Section 414.001,
27 Government Code, and as certified by the Crime Stoppers Advisory

1 Council;

2 (22) Submit a DNA sample to the Department of Public
3 Safety under Subchapter G, Chapter 411, Government Code, for the
4 purpose of creating a DNA record of the defendant;

5 (23) In any manner required by the judge, provide
6 public notice of the offense for which the defendant was placed on
7 community supervision in the county in which the offense was
8 committed; and

9 (24) Reimburse the county in which the prosecution was
10 instituted for compensation paid to any interpreter in the case.

11 SECTION 2. This Act takes effect September 1, 2009.