

1-1 By: Carona S.B. No. 423
1-2 (In the Senate - Filed January 7, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 8, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 423 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the conditions of community supervision that may be
1-11 imposed on a defendant with regard to association with a member of a
1-12 criminal street gang.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (a), Section 11, Article 42.12, Code
1-15 of Criminal Procedure, is amended to read as follows:

1-16 (a) The judge of the court having jurisdiction of the case
1-17 shall determine the conditions of community supervision and may, at
1-18 any time[7] during the period of community supervision, alter or
1-19 modify the conditions. The judge may impose any reasonable
1-20 condition that is designed to protect or restore the community,
1-21 protect or restore the victim, or punish, rehabilitate, or reform
1-22 the defendant. Conditions of community supervision may include,
1-23 but shall not be limited to, the conditions that the defendant
1-24 shall:

1-25 (1) Commit no offense against the laws of this State or
1-26 of any other State or of the United States;

1-27 (2) Avoid injurious or vicious habits;

1-28 (3) Avoid persons or places of disreputable or harmful
1-29 character, including any person, other than a family member of the
1-30 defendant, who is an active member of a criminal street gang;

1-31 (4) Report to the supervision officer as directed by
1-32 the judge or supervision officer and obey all rules and regulations
1-33 of the community supervision and corrections department;

1-34 (5) Permit the supervision officer to visit the
1-35 defendant at the defendant's home or elsewhere;

1-36 (6) Work faithfully at suitable employment as far as
1-37 possible;

1-38 (7) Remain within a specified place;

1-39 (8) Pay the defendant's fine, if one is ~~be~~ assessed,
1-40 and all court costs whether a fine is ~~be~~ assessed or not, in one or
1-41 several sums;

1-42 (9) Support the defendant's dependents;

1-43 (10) Participate, for a time specified by the judge,
1-44 in any community-based program, including a community-service work
1-45 program under Section 16 of this article;

1-46 (11) Reimburse the county in which the prosecution was
1-47 instituted for compensation paid to appointed counsel for defending
1-48 the defendant in the case, if counsel was appointed, or if the
1-49 defendant was represented by a county-paid public defender, in an
1-50 amount that would have been paid to an appointed attorney had the
1-51 county not had a public defender;

1-52 (12) Remain under custodial supervision in a community
1-53 corrections facility, obey all rules and regulations of the ~~such~~
1-54 facility, and pay a percentage of the defendant's income to the
1-55 facility for room and board;

1-56 (13) Pay a percentage of the defendant's income to the
1-57 defendant's dependents for their support while under custodial
1-58 supervision in a community corrections facility;

1-59 (14) Submit to testing for alcohol or controlled
1-60 substances;

1-61 (15) Attend counseling sessions for substance abusers
1-62 or participate in substance abuse treatment services in a program
1-63 or facility approved or licensed by the Texas Commission on Alcohol

2-1 and Drug Abuse;
2-2 (16) With the consent of the victim of a misdemeanor
2-3 offense or of any offense under Title 7, Penal Code, participate in
2-4 victim-defendant mediation;
2-5 (17) Submit to electronic monitoring;
2-6 (18) Reimburse the compensation to victims of crime
2-7 fund for any amounts paid from that fund to or on behalf of a victim,
2-8 as defined by Article 56.32, of the defendant's offense or if no
2-9 reimbursement is required, make one payment to the compensation to
2-10 victims of crime fund in an amount not to exceed \$50 if the offense
2-11 is a misdemeanor or not to exceed \$100 if the offense is a felony;
2-12 (19) Reimburse a law enforcement agency for the
2-13 analysis, storage, or disposal of raw materials, controlled
2-14 substances, chemical precursors, drug paraphernalia, or other
2-15 materials seized in connection with the offense;
2-16 (20) Pay all or part of the reasonable and necessary
2-17 costs incurred by the victim for psychological counseling made
2-18 necessary by the offense or for counseling and education relating
2-19 to acquired immune deficiency syndrome or human immunodeficiency
2-20 virus made necessary by the offense;
2-21 (21) Make one payment in an amount not to exceed \$50 to
2-22 a crime stoppers organization as defined by Section 414.001,
2-23 Government Code, and as certified by the Crime Stoppers Advisory
2-24 Council;
2-25 (22) Submit a DNA sample to the Department of Public
2-26 Safety under Subchapter G, Chapter 411, Government Code, for the
2-27 purpose of creating a DNA record of the defendant;
2-28 (23) In any manner required by the judge, provide
2-29 public notice of the offense for which the defendant was placed on
2-30 community supervision in the county in which the offense was
2-31 committed; and
2-32 (24) Reimburse the county in which the prosecution was
2-33 instituted for compensation paid to any interpreter in the case.
2-34 SECTION 2. This Act takes effect September 1, 2009.

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