

BILL ANALYSIS

C.S.H.B. 1205
By: Turner
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Positive behavior reinforcement is key to targeting the root causes of antisocial behaviors. Specifically, evidence suggests that positive reinforcements that are administered four times as often as negative reinforcements are optimal for promoting behavior changes. Interested parties argue that probation supervisors should make every effort to employ this 4:1 ratio to best ensure that individuals serving a term of community supervision successfully meet the conditions of the community supervision. To assist a probation department in offering incentives for positive behavior, a judge should have the authority to provide to an individual under community supervision credit toward the completion of the term of community supervision for the fulfillment of certain court-ordered obligations. C.S.H.B. 1205 provides an appropriate mechanism for a probation department to ensure that such an individual fulfills the requirements of community supervision and pays all court-ordered costs and restitution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1205 amends the Code of Criminal Procedure provision that requires a judge before conducting a review of a defendant's record to consider reducing or terminating the defendant's period of community supervision to notify the attorney representing the state and the defendant, to add notification of the defendant's attorney, if the defendant has an attorney, as an alternative to notifying the defendant. The bill adds a requirement to notify those same parties before reducing or terminating a period of community supervision.

C.S.H.B. 1205 entitles certain defendants to receive any combination of time credits toward the completion of the defendant's period of community supervision if the court ordered the defendant as a condition of community supervision to do the following: earn a high school equivalency certificate, high school diploma, or associate's degree; pay certain court costs, fines, attorney's fees, and restitution; or complete a certain treatment or rehabilitation program. The bill makes its provisions relating to time credits apply only to a defendant who is granted community supervision, including deferred adjudication community supervision, for an offense punishable as a state jail felony or a third degree felony, other than an intoxication or alcoholic beverage offense, an offense involving family violence, or an offense included as a reportable conviction or adjudication under the sex offender registration program; is not delinquent in paying required fines, costs, or fees; and has fully satisfied any order to pay restitution to a victim.

C.S.H.B. 1205 entitles a defendant to time credits toward the completion of the defendant's period of community supervision as follows:

- for earning a high school diploma or high school equivalency certificate, 90 days
- for earning an associate's degree, 120 days

- for full payment of court costs, 15 days
- for full payment of fines, 30 days
- for full payment of attorney's fees, 30 days
- for full payment of restitution, 60 days
- for the successful completion of alcohol or substance abuse counseling or treatment, 90 days
- for the successful completion of a vocational, technical, or career education or training program, 60 days
- for the successful completion of a parenting class or parental responsibility program, 30 days
- for the successful completion of an anger management program, 30 days
- for the successful completion of a life skills training program, 30 days

C.S.H.B. 1205 requires a defendant's supervision officer to notify the court if one or more time credits under the bill's provisions, cumulated with the amount of the original community supervision period the defendant has completed, allow or require the court to conduct a review of the defendant's community supervision. The bill requires the court, on receipt of such notice, to conduct a review of the defendant's community supervision to determine if the defendant is eligible for a reduction or termination of community supervision, taking into account any time credits to which the defendant is entitled when determining if the defendant has completed, as applicable, the lesser of one-third of the original community supervision period or two years of community supervision, or the greater of one-half of the original community supervision period or two years of community supervision.

C.S.H.B. 1205 authorizes the court to order the forfeiture of some or all of the credit to which a defendant is entitled if before the expiration of the original period or a reduced period of community supervision the court, after a community supervision revocation hearing, finds that a defendant violated one or more conditions of community supervision and modifies or continues the defendant's period of community supervision or revokes the defendant's community supervision.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1205 contains provisions not included in the original requiring a judge before conducting a review of a defendant's record to consider reducing or terminating the defendant's period of community supervision, to notify the defendant's attorney if the defendant has an attorney, as an alternative to notifying the defendant, and requiring the judge to notify the attorney representing the state and the defendant or the defendant's attorney, if the defendant has an attorney, before reducing or terminating a period of community supervision.

C.S.H.B. 1205 differs from the original by requiring a defendant's supervision officer to notify the court if one or more time credits under the bill's provisions, cumulated with the amount of the original community supervision period the defendant has completed, allow or require the court to conduct a review of the defendant's community supervision for purposes of reduction or termination, whereas the original requires a defendant's supervision officer to notify the court when the defendant is entitled to one or more such time credits. The substitute differs from the original in nonsubstantive ways.