

By: Lewis

H.B. No. 921

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the reimbursement of certain medical, dental, or  
3 health-related services as a condition of community supervision and  
4 to the revocation of community supervision for failure to make  
5 certain payments.

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

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

9 (a) The judge of the court having jurisdiction of the case  
10 shall determine the conditions of community supervision and may, at  
11 any time during the period of community supervision, alter or  
12 modify the conditions. The judge may impose any reasonable  
13 condition that is designed to protect or restore the community,  
14 protect or restore the victim, or punish, rehabilitate, or reform  
15 the defendant. Conditions of community supervision may include,  
16 but shall not be limited to, the conditions that the defendant  
17 shall:

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

20 (2) Avoid injurious or vicious habits;

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

24 (4) Report to the supervision officer as directed by

1 the judge or supervision officer and obey all rules and regulations  
2 of the community supervision and corrections department;

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

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

7 (7) Remain within a specified place;

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

11 (9) Support the defendant's dependents;

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

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

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

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

1           (14) Submit to testing for alcohol or controlled  
2 substances;

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

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

10          (17) Submit to electronic monitoring;

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

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

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

26          (21) Make one payment in an amount not to exceed \$50 to  
27 a crime stoppers organization as defined by Section 414.001,

1 Government Code, and as certified by the Texas Crime Stoppers  
2 Council;

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

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

10 (24) Reimburse the county in which the prosecution was  
11 instituted for compensation paid to any interpreter in the case;  
12 and

13 (25) Reimburse a county for any medical, dental, or  
14 health-related services for which the county has not been  
15 reimbursed that the county provided to the defendant while the  
16 defendant was confined in the county jail for the offense for which  
17 the defendant was placed on community supervision.

18 SECTION 2. Section 21(c), Article 42.12, Code of Criminal  
19 Procedure, is amended to read as follows:

20 (c) In a community supervision revocation hearing at which  
21 it is alleged only that the defendant violated the conditions of  
22 community supervision by failing to pay compensation paid to  
23 appointed counsel, community supervision fees, ~~or~~ court costs, or  
24 any other amount required to be paid as a condition of community  
25 supervision, the state must prove by a preponderance of the  
26 evidence that the defendant was able to pay and did not pay as  
27 ordered by the judge. The court may order a community supervision

1 and corrections department to obtain information pertaining to the  
2 factors listed under Article 42.037(h) of this code and include  
3 that information in the report required under Section 9(a) of this  
4 article or a separate report, as the court directs.

5 SECTION 3. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13 SECTION 4. This Act takes effect September 1, 2011.