

By: Turner, Allen, Aliseda, Rodriguez

H.B. No. 1205

Substitute the following for H.B. No. 1205:

By: Gallego

C.S.H.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedures for reducing or terminating community
3 supervision and the establishment of certain time credits through
4 which a defendant's period of community supervision is reduced.

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

6 SECTION 1. Section 20(a), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) At any time after the defendant has satisfactorily
9 completed one-third of the original community supervision period or
10 two years of community supervision, whichever is less, the period
11 of community supervision may be reduced or terminated by the judge.
12 On completion of one-half of the original community supervision
13 period or two years of community supervision, whichever is more,
14 the judge shall review the defendant's record and consider whether
15 to reduce or terminate the period of community supervision, unless
16 the defendant is delinquent in paying required restitution, fines,
17 costs, or fees that the defendant has the ability to pay or the
18 defendant has not completed court-ordered counseling or treatment.
19 Before reducing or terminating a period of community supervision or
20 conducting a [the] review under this section, the judge shall
21 notify the attorney representing the state and the defendant or, if
22 the defendant has an attorney, the defendant's attorney. If the
23 judge determines that the defendant has failed to satisfactorily
24 fulfill the conditions of community supervision, the judge shall

1 advise the defendant in writing of the requirements for
2 satisfactorily fulfilling those conditions. Upon the satisfactory
3 fulfillment of the conditions of community supervision, and the
4 expiration of the period of community supervision, the judge, by
5 order duly entered, shall amend or modify the original sentence
6 imposed, if necessary, to conform to the community supervision
7 period and shall discharge the defendant. If the judge discharges
8 the defendant under this section, the judge may set aside the
9 verdict or permit the defendant to withdraw the defendant's plea,
10 and shall dismiss the accusation, complaint, information or
11 indictment against the defendant, who shall thereafter be released
12 from all penalties and disabilities resulting from the offense or
13 crime of which the defendant has been convicted or to which the
14 defendant has pleaded guilty, except that:

15 (1) proof of the conviction or plea of guilty shall be
16 made known to the judge should the defendant again be convicted of
17 any criminal offense; and

18 (2) if the defendant is an applicant for a license or
19 is a licensee under Chapter 42, Human Resources Code, the Health and
20 Human Services Commission may consider the fact that the defendant
21 previously has received community supervision under this article in
22 issuing, renewing, denying, or revoking a license under that
23 chapter.

24 SECTION 2. Article 42.12, Code of Criminal Procedure, is
25 amended by adding Section 20A to read as follows:

26 Sec. 20A. TIME CREDITS FOR COMPLETION OF CERTAIN CONDITIONS
27 OF COMMUNITY SUPERVISION. (a) This section applies only to a

1 defendant who:

2 (1) is granted community supervision, including
3 deferred adjudication community supervision, for an offense
4 punishable as a state jail felony or a felony of the third degree,
5 other than an offense:

6 (A) under Chapter 49, Penal Code;

7 (B) involving family violence as defined by
8 Section 71.004, Family Code; or

9 (C) included as a "reportable conviction or
10 adjudication" under Article 62.001(5);

11 (2) is not delinquent in paying required fines, costs,
12 or fees; and

13 (3) has fully satisfied any order to pay restitution
14 to a victim.

15 (b) A defendant described by Subsection (a) is entitled to
16 receive any combination of time credits toward the completion of
17 the defendant's period of community supervision in accordance with
18 this section if the court ordered the defendant as a condition of
19 community supervision to:

20 (1) earn a certificate, diploma, or degree described
21 by Subsection (c);

22 (2) make a payment described by Subsection (d); or

23 (3) complete a treatment or rehabilitation program
24 described by Subsection (e).

25 (c) A defendant is entitled to time credits toward the
26 completion of the defendant's period of community supervision for
27 earning the following certificates, diplomas, or degrees:

1 (1) a high school diploma or high school equivalency
2 certificate: 90 days; and

3 (2) an associate's degree: 120 days.

4 (d) A defendant is entitled to time credits toward the
5 completion of the defendant's period of community supervision for
6 the full payment of court costs, fines, attorney's fees, and
7 restitution as follows:

8 (1) court costs: 15 days;

9 (2) fines: 30 days;

10 (3) attorney's fees: 30 days; and

11 (4) restitution: 60 days.

12 (e) A defendant is entitled to time credits toward the
13 completion of the defendant's period of community supervision for
14 the successful completion of treatment or rehabilitation programs
15 as follows:

16 (1) alcohol or substance abuse counseling or
17 treatment: 90 days;

18 (2) vocational, technical, or career education or
19 training program: 60 days;

20 (3) parenting class or parental responsibility
21 program: 30 days;

22 (4) anger management program: 30 days; and

23 (5) life skills training program: 30 days.

24 (f) A defendant's supervision officer shall notify the
25 court if one or more time credits under this section, cumulated with
26 the amount of the original community supervision period the
27 defendant has completed, allow or require the court to conduct a

1 review of the defendant's community supervision under Section 20.
2 On receipt of the notice from the supervision officer, the court
3 shall conduct the review of the defendant's community supervision
4 to determine if the defendant is eligible for a reduction or
5 termination of community supervision under Section 20, taking into
6 account any time credits to which the defendant is entitled under
7 this section when determining if the defendant has completed, as
8 applicable:

9 (1) the lesser of one-third of the original community
10 supervision period or two years of community supervision; or

11 (2) the greater of one-half of the original community
12 supervision period or two years of community supervision.

13 (g) A court may order that some or all of the credit to which
14 a defendant is entitled under this section be forfeited if, before
15 the expiration of the original period or a reduced period of
16 community supervision, the court:

17 (1) after a hearing under Section 21, finds that a
18 defendant violated one or more conditions of community supervision;
19 and

20 (2) modifies or continues the defendant's period of
21 community supervision under Section 22 or revokes the defendant's
22 community supervision under Section 23.

23 SECTION 3. Section 20A, Article 42.12, Code of Criminal
24 Procedure, as added by this Act, applies only to a defendant granted
25 community supervision for an offense that is committed on or after
26 the effective date of this Act. A defendant granted community
27 supervision for an offense committed before the effective date of

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

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