

By: Turner

H.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of certain time credits through which a defendant's period of community supervision is reduced.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 20A to read as follows:

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

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

(A) under Chapter 49, Penal Code;

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

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

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

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

(b) A defendant described by Subsection (a) is entitled to receive any combination of time credits toward the completion of

1 the defendant's period of community supervision in accordance with
2 this section if the court ordered the defendant as a condition of
3 community supervision to:

4 (1) earn a certificate, diploma, or degree described
5 by Subsection (c);

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

7 (3) complete a treatment or rehabilitation program
8 described by Subsection (e).

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

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

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

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

19 (1) court costs: 15 days;

20 (2) fines: 30 days;

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

22 (4) restitution: 60 days.

23 (e) A defendant is entitled to time credits toward the
24 completion of the defendant's period of community supervision for
25 the successful completion of treatment or rehabilitation programs
26 as follows:

27 (1) alcohol or substance abuse counseling or

1 treatment: 90 days;

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

4 (3) parenting class or parental responsibility
5 program: 30 days;

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

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

8 (f) A defendant's supervision officer shall notify the
9 court when the defendant is entitled to one or more time credits
10 under this section. On receipt of the notice from the supervision
11 officer, the court shall conduct a review of the defendant's
12 community supervision under Section 20 to determine if the
13 defendant is eligible for a reduction or termination of community
14 supervision under that section, taking into account any time
15 credits to which the defendant is entitled under this section when
16 determining if the defendant has completed, as applicable:

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

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

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

25 (1) after a hearing under Section 21, finds that a
26 defendant violated one or more conditions of community supervision;

27 and

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

4 SECTION 2. Section 20A, Article 42.12, Code of Criminal
5 Procedure, as added by this Act, applies only to a defendant granted
6 community supervision for an offense that is committed on or after
7 the effective date of this Act. A defendant granted community
8 supervision for an offense committed before the effective date of
9 this Act is governed by the law in effect on the date the offense was
10 committed, and that law is continued in effect for that purpose.
11 For purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 3. This Act takes effect September 1, 2011.