

1-1 By: Turner, et al. (Senate Sponsor - Ellis) H.B. No. 1205
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the procedures for reducing or terminating community
1-9 supervision and the establishment of certain time credits through
1-10 which a defendant's period of community supervision is reduced.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 20(a), Article 42.12, Code of Criminal
1-13 Procedure, is amended to read as follows:

1-14 (a) At any time after the defendant has satisfactorily
1-15 completed one-third of the original community supervision period or
1-16 two years of community supervision, whichever is less, the period
1-17 of community supervision may be reduced or terminated by the judge.
1-18 On completion of one-half of the original community supervision
1-19 period or two years of community supervision, whichever is more,
1-20 the judge shall review the defendant's record and consider whether
1-21 to reduce or terminate the period of community supervision, unless
1-22 the defendant is delinquent in paying required restitution, fines,
1-23 costs, or fees that the defendant has the ability to pay or the
1-24 defendant has not completed court-ordered counseling or treatment.
1-25 Before reducing or terminating a period of community supervision or
1-26 conducting a [the] review under this section, the judge shall
1-27 notify the attorney representing the state and the defendant or, if
1-28 the defendant has an attorney, the defendant's attorney. If the
1-29 judge determines that the defendant has failed to satisfactorily
1-30 fulfill the conditions of community supervision, the judge shall
1-31 advise the defendant in writing of the requirements for
1-32 satisfactorily fulfilling those conditions. Upon the satisfactory
1-33 fulfillment of the conditions of community supervision, and the
1-34 expiration of the period of community supervision, the judge, by
1-35 order duly entered, shall amend or modify the original sentence
1-36 imposed, if necessary, to conform to the community supervision
1-37 period and shall discharge the defendant. If the judge discharges
1-38 the defendant under this section, the judge may set aside the
1-39 verdict or permit the defendant to withdraw the defendant's plea,
1-40 and shall dismiss the accusation, complaint, information or
1-41 indictment against the defendant, who shall thereafter be released
1-42 from all penalties and disabilities resulting from the offense or
1-43 crime of which the defendant has been convicted or to which the
1-44 defendant has pleaded guilty, except that:

1-45 (1) proof of the conviction or plea of guilty shall be
1-46 made known to the judge should the defendant again be convicted of
1-47 any criminal offense; and

1-48 (2) if the defendant is an applicant for a license or
1-49 is a licensee under Chapter 42, Human Resources Code, the Health and
1-50 Human Services Commission may consider the fact that the defendant
1-51 previously has received community supervision under this article in
1-52 issuing, renewing, denying, or revoking a license under that
1-53 chapter.

1-54 SECTION 2. Article 42.12, Code of Criminal Procedure, is
1-55 amended by adding Section 20A to read as follows:

1-56 Sec. 20A. TIME CREDITS FOR COMPLETION OF CERTAIN CONDITIONS
1-57 OF COMMUNITY SUPERVISION. (a) This section applies only to a
1-58 defendant who:

1-59 (1) is granted community supervision, including
1-60 deferred adjudication community supervision, for an offense
1-61 punishable as a state jail felony or a felony of the third degree,
1-62 other than an offense:

1-63 (A) under Chapter 49, Penal Code;

1-64 (B) involving family violence as defined by

2-1 Section 71.004, Family Code;
2-2 (C) included as a "reportable conviction or
2-3 adjudication" under Article 62.001(5); or
2-4 (D) under Section 20.03 or 28.02, Penal Code;
2-5 (2) is not delinquent in paying required fines, costs,
2-6 or fees; and
2-7 (3) has fully satisfied any order to pay restitution
2-8 to a victim.
2-9 (b) A defendant described by Subsection (a) is entitled to
2-10 receive any combination of time credits toward the completion of
2-11 the defendant's period of community supervision in accordance with
2-12 this section if the court ordered the defendant as a condition of
2-13 community supervision to:
2-14 (1) earn a certificate, diploma, or degree described
2-15 by Subsection (c);
2-16 (2) make a payment described by Subsection (d); or
2-17 (3) complete a treatment or rehabilitation program
2-18 described by Subsection (e).
2-19 (c) A defendant is entitled to time credits toward the
2-20 completion of the defendant's period of community supervision for
2-21 earning the following certificates, diplomas, or degrees:
2-22 (1) a high school diploma or high school equivalency
2-23 certificate: 90 days; and
2-24 (2) an associate's degree: 120 days.
2-25 (d) A defendant is entitled to time credits toward the
2-26 completion of the defendant's period of community supervision for
2-27 the full payment of court costs, fines, attorney's fees, and
2-28 restitution as follows:
2-29 (1) court costs: 15 days;
2-30 (2) fines: 30 days;
2-31 (3) attorney's fees: 30 days; and
2-32 (4) restitution: 60 days.
2-33 (e) A defendant is entitled to time credits toward the
2-34 completion of the defendant's period of community supervision for
2-35 the successful completion of treatment or rehabilitation programs
2-36 as follows:
2-37 (1) alcohol or substance abuse counseling or
2-38 treatment: 90 days;
2-39 (2) vocational, technical, or career education or
2-40 training program: 60 days;
2-41 (3) parenting class or parental responsibility
2-42 program: 30 days;
2-43 (4) anger management program: 30 days; and
2-44 (5) life skills training program: 30 days.
2-45 (f) A defendant's supervision officer shall notify the
2-46 court if one or more time credits under this section, cumulated with
2-47 the amount of the original community supervision period the
2-48 defendant has completed, allow or require the court to conduct a
2-49 review of the defendant's community supervision under Section 20.
2-50 On receipt of the notice from the supervision officer, the court
2-51 shall conduct the review of the defendant's community supervision
2-52 to determine if the defendant is eligible for a reduction or
2-53 termination of community supervision under Section 20, taking into
2-54 account any time credits to which the defendant is entitled under
2-55 this section when determining if the defendant has completed, as
2-56 applicable:
2-57 (1) the lesser of one-third of the original community
2-58 supervision period or two years of community supervision; or
2-59 (2) the greater of one-half of the original community
2-60 supervision period or two years of community supervision.
2-61 (g) A court may order that some or all of the credit to which
2-62 a defendant is entitled under this section be forfeited if, before
2-63 the expiration of the original period or a reduced period of
2-64 community supervision, the court:
2-65 (1) after a hearing under Section 21, finds that a
2-66 defendant violated one or more conditions of community supervision;
2-67 and
2-68 (2) modifies or continues the defendant's period of
2-69 community supervision under Section 22 or revokes the defendant's

3-1 community supervision under Section 23.

3-2 SECTION 3. Section 20A, Article 42.12, Code of Criminal
3-3 Procedure, as added by this Act, applies only to a defendant granted
3-4 community supervision for an offense that is committed on or after
3-5 the effective date of this Act. A defendant granted community
3-6 supervision for an offense committed before the effective date of
3-7 this Act is governed by the law in effect on the date the offense was
3-8 committed, and that law is continued in effect for that purpose.
3-9 For purposes of this section, an offense was committed before the
3-10 effective date of this Act if any element of the offense occurred
3-11 before that date.

3-12 SECTION 4. This Act takes effect September 1, 2011.

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