

By: Nash

H.B. No. 2285

Substitute the following for H.B. No. 2285:

By: Gallego

C.S.H.B. No. 2285

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reimbursement of costs incurred for the collection of  
3 certain blood specimens as a condition of community supervision.

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

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

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

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

18 (2) Avoid injurious or vicious habits;

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

22 (4) Report to the supervision officer as directed by  
23 the judge or supervision officer and obey all rules and regulations  
24 of the community supervision and corrections department;

- 1           (5) Permit the supervision officer to visit the  
2 defendant at the defendant's home or elsewhere;
- 3           (6) Work faithfully at suitable employment as far as  
4 possible;
- 5           (7) Remain within a specified place;
- 6           (8) Pay the defendant's fine, if one is assessed, and  
7 all court costs whether a fine is assessed or not, in one or several  
8 sums;
- 9           (9) Support the defendant's dependents;
- 10          (10) Participate, for a time specified by the judge,  
11 in any community-based program, including a community-service work  
12 program under Section 16 of this article;
- 13          (11) Reimburse the county in which the prosecution was  
14 instituted for compensation paid to appointed counsel for defending  
15 the defendant in the case, if counsel was appointed, or if the  
16 defendant was represented by a county-paid public defender, in an  
17 amount that would have been paid to an appointed attorney had the  
18 county not had a public defender;
- 19          (12) Remain under custodial supervision in a community  
20 corrections facility, obey all rules and regulations of the  
21 facility, and pay a percentage of the defendant's income to the  
22 facility for room and board;
- 23          (13) Pay a percentage of the defendant's income to the  
24 defendant's dependents for their support while under custodial  
25 supervision in a community corrections facility;
- 26          (14) Submit to testing for alcohol or controlled  
27 substances;

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

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

8           (17) Submit to electronic monitoring;

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

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

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

24           (21) Make one payment in an amount not to exceed \$50 to  
25 a crime stoppers organization as defined by Section 414.001,  
26 Government Code, and as certified by the Texas Crime Stoppers  
27 Council;

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

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

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

11           (25) Reimburse a law enforcement agency for costs  
12 incurred by the agency for the collection, analysis, storage, and  
13 disposal of a blood specimen under Subchapter B, Chapter 724,  
14 Transportation Code.

15           SECTION 2. Section 11(a), Article 42.12, Code of Criminal  
16 Procedure, as amended by this Act, applies to a person placed on  
17 community supervision on or after the effective date of this Act  
18 regardless of when the person committed the offense for which the  
19 person is placed on community supervision.

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