

By: Madden

H.B. No. 2845

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of a judge to impose a period of  
3 confinement in a county jail for a violation of a condition of  
4 community supervision.

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

6 SECTION 1. Section 21, Article 42.12, Code of Criminal  
7 Procedure, is amended by adding Subsection (a-1) to read as  
8 follows:

9 (a-1) In addition to any other authority granted under this  
10 section, a judge who has reason to believe a defendant has violated  
11 a condition of community supervision, other than by committing a  
12 new offense, may provide to the defendant a warning that clearly  
13 communicates the consequences of violating a condition of community  
14 supervision, including the ability of the judge to modify the  
15 community supervision under Section 22, require the defendant to  
16 serve a period of confinement in a county jail under Section 22(e),  
17 or revoke the community supervision under Section 23.

18 SECTION 2. Section 22, Article 42.12, Code of Criminal  
19 Procedure, is amended by adding Subsections (e) and (f) to read as  
20 follows:

21 (e) In addition to the other sanctions authorized under this  
22 section, a judge may order a defendant to serve a period of  
23 confinement in a county jail if the judge determines that the  
24 defendant violated a condition of community supervision after

1 receiving the warning provided by Section 21(a-1). The period of  
2 confinement may not exceed:

3 (1) three days for a first violation;

4 (2) seven days for a second violation;

5 (3) 14 days for a third violation; and

6 (4) 21 days for a fourth or subsequent violation.

7 (f) A period of confinement ordered under Subsection (e)  
8 does not count toward any limitation on a period of confinement  
9 otherwise provided by this article.

10 SECTION 3. The change in law made by this Act applies to a  
11 person placed on community supervision on or after the effective  
12 date of this Act regardless of when the person committed the offense  
13 for which the person is placed on community supervision.

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