

By: Huffman

S.B. No. 686

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the extension of the period of community supervision
3 for certain defendants who fail to pay restitution.

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

5 SECTION 1. Section 22(c), Article 42.12, Code of Criminal
6 Procedure, is amended to read as follows:

7 (c) The judge may extend a period of community supervision
8 on a showing of good cause under this section as often as the judge
9 determines is necessary, but except as otherwise provided by this
10 subsection, the period of community supervision in a first, second,
11 or third degree felony case may not exceed 10 years and~~[, except as~~
12 ~~otherwise provided by this subsection,~~] the period of community
13 supervision in a misdemeanor case may not exceed three years. The
14 judge may extend the period of community supervision [~~in a~~
15 ~~misdemeanor case~~] for any period the judge determines is necessary,
16 not to exceed an additional two years beyond the three-year limit in
17 a misdemeanor case, if the defendant fails to pay a previously
18 assessed fine, costs, or restitution and the judge determines that
19 extending the period of supervision increases the likelihood that
20 the defendant will fully pay the fine, costs, or restitution, and
21 not to exceed an additional five years beyond the 10-year limit in a
22 first, second, or third degree felony case, if the defendant fails
23 to pay the restitution and the judge determines that extending the
24 period of supervision increases the likelihood that the defendant

1 will fully pay the restitution. A court may extend a period of
2 community supervision under this section at any time during the
3 period of supervision or, if a motion for revocation of community
4 supervision is filed before the period of supervision ends, before
5 the first anniversary of the date on which the period of supervision
6 expires.

7 SECTION 2. Section 22A(c), Article 42.12, Code of Criminal
8 Procedure, is amended to read as follows:

9 (c) A judge may extend a period of community supervision
10 under this section only once; however, the judge may extend a period
11 of community supervision for a defendant under both Section 22(c)
12 and this section, and the prohibitions [~~prohibition~~] in Section
13 22(c) against a period of community supervision in a felony case
14 exceeding 10 years or 15 years, as applicable, do [~~does~~] not apply
15 to a defendant for whom community supervision is increased under
16 this section or under both Section 22(c) and this section.

17 SECTION 3. The change in law made by this Act applies only
18 to a defendant initially placed on community supervision on or
19 after the effective date of this Act. A defendant initially placed
20 on community supervision before the effective date of this Act is
21 governed by the law in effect immediately before the effective date
22 of this Act, and the former law is continued in effect for that
23 purpose.

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