

Amend CSHB 1790 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 15, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (l), (m), and (n) to read as follows:

(1) A judge who places a defendant on community supervision following conviction of a state jail felony, on agreement of the attorney representing the state and the defendant, shall inform the defendant of the procedure provided for an amendment of the order of conviction under this subsection. In any case in which the defendant is informed under this subsection, on written motion of the defendant after completion of two-thirds of the original community supervision period, the judge shall review the defendant's record and consider whether to amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony. On disposition of the case in a manner provided by Section 20, the judge, on discharge of the defendant, may amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony, subject to Subsection (m), if:

(1) the offense for which the defendant was placed on community supervision was not an offense:

(A) under Section 30.04, Section 39.04(a)(2), Section 49.045, or Title 5, Penal Code;

(B) under Article 62.102 of this code; or

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

(2) the defendant has fulfilled to the judge's satisfaction all the conditions of community supervision, including the payment of all required restitution, and is not delinquent on the payment of any fines, costs, and fees that the defendant has the ability to pay;

(3) the defendant files with the written motion for the hearing a statement that:

(A) contains a summary of the defendant's performance during community supervision, including compliance with the conditions of community supervision; and

(B) asserts that the defendant meets the conditions for an amendment of the record of conviction under this subsection;

(4) the defendant at the time of filing the statement with the court also provides a copy of the motion and statement to the attorney representing the state; and

(5) at the hearing held on the motion, the judge finds that an amendment of the record of conviction is in the best interest of justice.

(m) A judge who amends a record of conviction under Subsection (1) may not modify the name of the state jail felony offense for which the judge placed the defendant on community supervision. A defendant whose record of conviction is amended under Subsection (1) is not considered to have been convicted of a felony with respect to the modified offense for any purpose other than the purpose described by Section 20(a)(1).

(n) A record of conviction that is amended under Subsection (1) supersedes and takes the place of the record of conviction as it existed on the original date of conviction. A judge retains jurisdiction for the purposes of Subsection (1) only until the expiration of the term of community supervision.

SECTION 2. The change in law made by this Act applies only to a defendant who is placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant is placed on community supervision is committed before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2013.