



FLOOR AMENDMENT NO. _____ 13 MAY -6 PM 7:00

BY: 

HOUSE OF REPRESENTATIVES

1 Amend C.S.H.B. No. 1790 (house committee printing) by
2 striking all below the enacting clause and substituting the
3 following:

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

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

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

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

27 (B) under Article 62.102 of this code; or

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

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

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

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

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

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

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

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

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

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

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