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FLOOR AMENDMENT NO. \_\_\_\_\_

13 MAY -3 AM 10:08  
HOUSE OF REPRESENTATIVES

BY: *OSCAR LONGO*

1 Amend C.S. S.B. No. 213 by adding the following  
2 appropriately numbered SECTIONS to the bill to read as follows  
3 and renumbering subsequent SECTIONS of the bill accordingly:

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

7 (l) A judge who places a defendant on community  
8 supervision following conviction of a state jail felony shall  
9 inform the defendant of the procedure provided for a  
10 modification of the order of conviction under this subsection.  
11 On completion of two-thirds of the original community  
12 supervision period, the judge shall review the defendant's  
13 record and consider whether to modify the record of conviction  
14 to reflect a conviction for a Class A misdemeanor in lieu of a  
15 state jail felony. The judge shall dispose of the case in the  
16 manner provided by Section 20, except that the judge, on  
17 discharge of the defendant, shall modify the record of  
18 conviction, subject to Subsection (m), if:

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

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

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

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

26 (2) the defendant has satisfactorily fulfilled all  
27 the conditions of community supervision, including the payment  
28 of all required restitution, and is not delinquent on the  
29 payment of any fines, costs, and fees that the defendant has the  
30 ability to pay;

1           (3) promptly after review of the defendant's record,  
2 the judge provides written notice of the right to request a  
3 hearing to the attorney representing the state and the defendant  
4 or, if the defendant has an attorney, the defendant's attorney;  
5 and

6           (4) before the expiration of the term of community  
7 supervision:

8           (A) a hearing is not requested by either party;  
9 or

10           (B) a hearing is held at which the judge finds  
11 that a modification of the record of conviction is in the best  
12 interest of justice.

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

20           SECTION \_\_\_\_\_. The change in law made by this Act in  
21 amending Section 15, Article 42.12, Code of Criminal Procedure,  
22 applies only to a defendant who is placed on community  
23 supervision on or after the effective date of this Act,  
24 regardless of whether the offense for which the defendant is  
25 placed on community supervision is committed before, on, or  
26 after that date.