

BILL ANALYSIS

H.B. 1067
By: Moody
Criminal Procedure Reform, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concern has been raised over cases in which a defendant serving a term of community supervision is convicted of and incarcerated for another offense, sometimes in another state, as current Texas law requires the incarcerated defendant to be brought before a court of record in Texas in order to waive the right to a revocation hearing on the alleged violation of community supervision. Critics of these current requirements point out the high cost of transportation and court administration in accommodating these waivers that must occur in court. Likewise, parties sensitive to issues facing the incarcerated individuals have suggested that the individual would often rather avoid the disruption caused by such proceedings. H.B. 1067 seeks to remedy this situation by providing an alternative to the in-court waiver requirement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1067 amends the Code of Criminal Procedure provision authorizing a judge to revoke an imprisoned defendant's community supervision without a hearing if the defendant, in addition to other actions, waives the defendant's right to a hearing and to counsel in writing before a court of record in the jurisdiction where imprisoned, to authorize that revocation without a hearing if the defendant waives those rights in writing before a notary public in that jurisdiction as an alternative to a waiver before the court of record.

EFFECTIVE DATE

September 1, 2013.