

BILL ANALYSIS

C.S.H.B. 1242
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law authorizes the judge of the court having jurisdiction over a criminal case to impose reasonable conditions of community supervision on a defendant. Concern has been raised over the loose enforcement of community supervision conditions and inconsistent penalties for violations of those conditions. Interested parties report that a Texas judge recently has approached this issue by creating a program based on another state's probation program that strictly enforces criminal offender community supervision periods and that reportedly has significantly reduced both recidivism and crime rates and saved resources. In an effort to address these issues statewide, C.S.H.B. 1242 seeks to provide an appropriate mechanism for a judge to impose certain additional conditions, including a period of confinement in a county jail, on a defendant for a violation of a condition of community supervision after being warned of the judge's ability to do so.

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

C.S.H.B. 1242 amends the Code of Criminal Procedure to authorize a judge having jurisdiction of a felony case, after providing to a defendant a written warning that clearly communicates the consequences of violating a condition of community supervision, including the ability of the judge to modify the community supervision, require the defendant to serve an additional period of confinement in a county jail as a supervision condition, or revoke the community supervision, to require the defendant to serve a period of confinement in a county jail as a condition of community supervision, in addition to the maximum 180-day period authorized under state law.

C.S.H.B. 1242 authorizes a judge to order a defendant to serve a period of confinement in a county jail on the judge's determination that the defendant violated a condition of community supervision after receiving such a warning. The bill limits the period of confinement to three days for a first violation, seven days for a second violation, 14 days for a third violation, and 21 days for a fourth or subsequent violation.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1242 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 21, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

No equivalent provision.

(a-1) In addition to any other authority granted under this section, a judge who has reason to believe a defendant has violated a condition of community supervision, other than by committing a new offense, may provide to the defendant a warning that clearly communicates the consequences of violating a condition of community supervision, including the ability of the judge to modify the community supervision under Section 22, require the defendant to serve a period of confinement in a county jail under Section 22(e), or revoke the community supervision under Section 23.

SECTION 2. Section 22, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (e) and (f) to read as follows:

(e) In addition to the other sanctions authorized under this section, a judge may order a defendant to serve a period of confinement in a county jail if the judge determines that the defendant violated a condition of community supervision after receiving the warning provided by Section 21(a-1). The period of confinement may not exceed:

- (1) three days for a first violation;
- (2) seven days for a second violation;
- (3) 14 days for a third violation; and
- (4) 21 days for a fourth or subsequent

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 12, Article 42.12, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) If a judge having jurisdiction of a misdemeanor case requires as a condition of community supervision that the defendant submit to a period of confinement in a county jail, the period of confinement may not exceed 30 days. Except as provided by Subsection (e), if [H] a judge having jurisdiction of a felony case requires as a condition of community supervision that the defendant submit to a period of confinement in a county jail, the period of confinement may not exceed 180 days.

(d) In addition to any other authority granted under this article, a judge having jurisdiction of a felony case, after providing to the defendant a written warning that clearly communicates the consequences of violating a condition of community supervision, including the ability of the judge to modify the community supervision under Section 22, require the defendant to serve a period of confinement in a county jail as a condition of community supervision under Subsection (e), or revoke the community supervision under Section 23, may require the defendant to serve a period of confinement under Subsection (e) in addition to the maximum period provided by Subsection (a).

(e) In addition to the confinement authorized under Subsection (a), a judge may order a defendant to serve a period of confinement in a county jail as a condition of community supervision if the judge determines that the defendant violated a condition of community supervision after receiving the warning provided by Subsection (d). The period of confinement may not exceed:

- (1) three days for a first violation;
- (2) seven days for a second violation;
- (3) 14 days for a third violation; and
- (4) 21 days for a fourth or subsequent

violation.

(f) A period of confinement ordered under Subsection (e) does not count toward any limitation on a period of confinement otherwise provided by this article.

SECTION 3. The change in law made by this Act applies to a person placed on community supervision on or after the effective date of this Act regardless of when the person committed the offense for which the person is placed on community supervision.

SECTION 4. This Act takes effect September 1, 2013.

violation.

No equivalent provision.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.