

By: Moody

H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain waivers by a defendant regarding a community
3 supervision revocation hearing.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 21(b-2), Article 42.12, Code of Criminal
6 Procedure, is amended to read as follows:

7 (b-2) If the defendant has not been released on bail as
8 permitted under Subsection (b-1), on motion by the defendant the
9 judge who ordered the arrest for the alleged violation of a
10 condition of community supervision shall cause the defendant to be
11 brought before the judge for a hearing on the alleged violation
12 within 20 days of filing of the [~~said~~] motion, and after a hearing
13 without a jury, may either continue, extend, modify, or revoke the
14 community supervision. A judge may revoke the community
15 supervision of a defendant who is imprisoned in a penal institution
16 without a hearing if the defendant, in writing before a court of
17 record or a notary public in the jurisdiction where imprisoned,
18 waives the defendant's [~~his~~] right to a hearing and to counsel,
19 affirms that the defendant [~~he~~] has nothing to say as to why
20 sentence should not be pronounced against the defendant [~~him~~], and
21 requests the judge to revoke community supervision and to pronounce
22 sentence. In a felony case, the state may amend the motion to
23 revoke community supervision any time up to seven days before the
24 date of the revocation hearing, after which time the motion may not

1 be amended except for good cause shown, and in no event may the
2 state amend the motion after the commencement of taking evidence at
3 the hearing. The judge may continue the hearing for good cause
4 shown by either the defendant or the state.

5 SECTION 2. This Act takes effect September 1, 2013.