

By: Geren, Carter

H.B. No. 1242

Substitute the following for H.B. No. 1242:

By: Herrero

C.S.H.B. No. 1242

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a judge to impose a period of
3 confinement in a county jail for a violation of a condition of
4 community supervision.

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

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

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

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

1 supervision under Section 23, may require the defendant to serve a
2 period of confinement under Subsection (e) in addition to the
3 maximum period provided by Subsection (a).

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

- 11 (1) three days for a first violation;
12 (2) seven days for a second violation;
13 (3) 14 days for a third violation; and
14 (4) 21 days for a fourth or subsequent violation.

15 SECTION 2. The change in law made by this Act applies to a
16 person placed on community supervision on or after the effective
17 date of this Act regardless of when the person committed the offense
18 for which the person is placed on community supervision.

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