

1-1 By: Longoria, et al. (Senate Sponsor - Hinojosa) H.B. No. 1790
 1-2 (In the Senate - Received from the House May 10, 2013;
 1-3 May 10, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2013, reported favorably by the following vote:
 1-5 Yeas 4, Nays 2; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman		X		
1-9 Carona			X	
1-10 Hinojosa	X			
1-11 Patrick	X			
1-12 Rodriguez	X			
1-13 Schwertner		X		

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to certain procedures for defendants who successfully
 1-18 complete a period of state jail felony community supervision.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 15, Article 42.12, Code of Criminal
 1-21 Procedure, is amended by adding Subsections (l), (m), and (n) to
 1-22 read as follows:

1-23 (1) A judge who places a defendant on community supervision
 1-24 following conviction of a state jail felony, on agreement of the
 1-25 attorney representing the state and the defendant, shall inform the
 1-26 defendant of the procedure provided for an amendment of the order of
 1-27 conviction under this subsection. In any case in which the
 1-28 defendant is informed under this subsection, on written motion of
 1-29 the defendant after completion of two-thirds of the original
 1-30 community supervision period, the judge shall review the
 1-31 defendant's record and consider whether to amend the record of
 1-32 conviction to reflect a conviction for a Class A misdemeanor in lieu
 1-33 of a state jail felony. On disposition of the case in a manner
 1-34 provided by Section 20, the judge, on discharge of the defendant,
 1-35 may amend the record of conviction to reflect a conviction for a
 1-36 Class A misdemeanor in lieu of a state jail felony, subject to
 1-37 Subsection (m), if:

1-38 (1) the offense for which the defendant was placed on
 1-39 community supervision was not an offense:

1-40 (A) under Section 30.04, Section 39.04(a)(2),
 1-41 Section 49.045, or Title 5, Penal Code;

1-42 (B) under Article 62.102 of this code; or

1-43 (C) involving family violence, as defined by
 1-44 Section 71.004, Family Code;

1-45 (2) the defendant has fulfilled to the judge's
 1-46 satisfaction all the conditions of community supervision,
 1-47 including the payment of all required restitution, and is not
 1-48 delinquent on the payment of any fines, costs, and fees that the
 1-49 defendant has the ability to pay;

1-50 (3) the defendant files with the written motion for
 1-51 the hearing a statement that:

1-52 (A) contains a summary of the defendant's
 1-53 performance during community supervision, including compliance
 1-54 with the conditions of community supervision; and

1-55 (B) asserts that the defendant meets the
 1-56 conditions for an amendment of the record of conviction under this
 1-57 subsection;

1-58 (4) the defendant at the time of filing the statement
 1-59 with the court also provides a copy of the motion and statement to
 1-60 the attorney representing the state; and

1-61 (5) at the hearing held on the motion, the judge finds

2-1 that an amendment of the record of conviction is in the best
2-2 interest of justice.

2-3 (m) A judge who amends a record of conviction under
2-4 Subsection (l) may not modify the name of the state jail felony
2-5 offense for which the judge placed the defendant on community
2-6 supervision. A defendant whose record of conviction is amended
2-7 under Subsection (l) is not considered to have been convicted of a
2-8 felony with respect to the modified offense for any purpose other
2-9 than the purpose described by Section 20(a)(1).

2-10 (n) A record of conviction that is amended under Subsection
2-11 (l) supersedes and takes the place of the record of conviction as it
2-12 existed on the original date of conviction. A judge retains
2-13 jurisdiction for the purposes of Subsection (l) only until the
2-14 expiration of the term of community supervision.

2-15 SECTION 2. The change in law made by this Act applies only
2-16 to a defendant who is placed on community supervision on or after
2-17 the effective date of this Act, regardless of whether the offense
2-18 for which the defendant is placed on community supervision is
2-19 committed before, on, or after that date.

2-20 SECTION 3. This Act takes effect September 1, 2013.

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