

By: White

H.B. No. 2736

Substitute the following for H.B. No. 2736:

By: Herrero

C.S.H.B. No. 2736

A BILL TO BE ENTITLED

AN ACT

relating to the placement on community supervision of certain defendants convicted of a state jail felony.

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

SECTION 1. Section 15(f), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivision (1) and adding Subdivision (2-a) to read as follows:

(1) If a defendant violates a condition of community supervision imposed on the defendant under this article and after a hearing under Section 21 [~~of this article~~] the judge revokes the defendant's community supervision, the judge shall dispose of the case in the manner provided by Section 23 [~~of this article~~]. If the defendant violates a condition of community supervision following placement on community supervision under Subdivision (2-a), the judge shall order that all time credits previously earned by the defendant under Subsection (h)(6) be forfeited and shall require the defendant to serve the remainder of the original sentence imposed.

(2-a) A judge who orders a sentence to be executed under Subsection (a)(2) shall on the defendant's completion of one-half of the sentence imposed, including time credits earned under Subsection (h)(6), suspend the further execution of the sentence and place the defendant on community supervision, unless the execution of the sentence resulted from an adjudication of the

1 guilt of a defendant previously placed on deferred adjudication
2 community supervision for the offense. A term of community
3 supervision under this subdivision may not exceed two years, except
4 that the judge may extend the term in accordance with Subsection (b)
5 or Section 22(c). Not later than the 10th day before the date on
6 which a defendant serving a term of confinement in a state jail
7 felony facility completes one-half of the sentence imposed, the
8 Texas Department of Criminal Justice shall notify the judge of the
9 date on which one-half of the sentence is complete. On receipt of
10 the notice, the judge shall promptly notify the attorney
11 representing the state and the defendant or the defendant's counsel
12 and shall hold a hearing for the limited purpose of establishing the
13 conditions of community supervision appropriate for the defendant.
14 This subdivision does not apply if the offense for which the
15 defendant was originally sentenced was an offense:

16 (A) under Section 39.04(a)(2), Section 49.045,
17 or Title 5, Penal Code;

18 (B) under Article 62.102; or

19 (C) involving family violence, as defined by
20 Section 71.004, Family Code.

21 SECTION 2. Chapter 509, Government Code, is amended by
22 adding Section 509.017 to read as follows:

23 Sec. 509.017. SPECIAL ALLOCATION FOR CERTAIN DEFENDANTS
24 PLACED ON STATE JAIL FELONY COMMUNITY SUPERVISION. Notwithstanding
25 any other provision of this chapter, the Texas Department of
26 Criminal Justice shall adopt policies and procedures to:

27 (1) determine the cost savings to the Texas Department

1 of Criminal Justice realized through the release of defendants on
2 community supervision under Section 15(f)(2-a), Article 42.12,
3 Code of Criminal Procedure; and

4 (2) provide 10 percent of that cost savings to the
5 division to be allocated to individual departments and used for the
6 same purpose that state aid is used under Section 509.011.

7 SECTION 3. The change in law made by this Act to Section
8 15(f), Article 42.12, Code of Criminal Procedure, applies only to a
9 defendant who is convicted of an offense on or after the effective
10 date of this Act. A defendant who is convicted of an offense before
11 the effective date of this Act is governed by the law in effect at
12 the time of the conviction, and the former law is continued in
13 effect for that purpose.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.