

1-1 By: Moody (Senate Sponsor - Rodríguez) H.B. No. 518
1-2 (In the Senate - Received from the House April 22, 2015;
1-3 May 4, 2015, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2015, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Whitmire	X			
1-9	Huffman	X			
1-10	Burton	X			
1-11	Creighton	X			
1-12	Hinojosa	X			
1-13	Menéndez	X			
1-14	Perry	X			

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

1-17 relating to certain waivers by a defendant regarding a community
1-18 supervision revocation hearing.

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

1-20 SECTION 1. Section 21(b-2), Article 42.12, Code of Criminal
1-21 Procedure, is amended to read as follows:

1-22 (b-2) If the defendant has not been released on bail as
1-23 permitted under Subsection (b-1), on motion by the defendant the
1-24 judge who ordered the arrest for the alleged violation of a
1-25 condition of community supervision shall cause the defendant to be
1-26 brought before the judge for a hearing on the alleged violation
1-27 within 20 days of filing of the ~~[said]~~ motion, and after a hearing
1-28 without a jury, may either continue, extend, modify, or revoke the
1-29 community supervision. A judge may revoke the community
1-30 supervision of a defendant who is imprisoned in a penal institution
1-31 without a hearing if the defendant, in writing before a court of
1-32 record or a notary public in the jurisdiction where imprisoned,
1-33 waives the defendant's [his] right to a hearing and to counsel,
1-34 affirms that the defendant [he] has nothing to say as to why
1-35 sentence should not be pronounced against the defendant [him], and
1-36 requests the judge to revoke community supervision and to pronounce
1-37 sentence. In a felony case, the state may amend the motion to
1-38 revoke community supervision any time up to seven days before the
1-39 date of the revocation hearing, after which time the motion may not
1-40 be amended except for good cause shown, and in no event may the
1-41 state amend the motion after the commencement of taking evidence at
1-42 the hearing. The judge may continue the hearing for good cause
1-43 shown by either the defendant or the state.

1-44 SECTION 2. This Act takes effect September 1, 2015.

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