

By: Canales

H.B. No. 1503

Substitute the following for H.B. No. 1503:

By: Herrero

C.S.H.B. No. 1503

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the rights of certain defendants who successfully
3 complete a term of community supervision.

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

5 SECTION 1. Section 20, Article 42.12, Code of Criminal
6 Procedure, is amended by amending Subsection (a) and adding
7 Subsections (c), (d), (e), and (f) to read as follows:

8 (a) At any time after the defendant has satisfactorily
9 completed one-third of the original community supervision period or
10 two years of community supervision, whichever is less, the period
11 of community supervision may be reduced or terminated by the
12 judge. On completion of one-half of the original community
13 supervision period or two years of community supervision, whichever
14 is more, the judge shall review the defendant's record and consider
15 whether to reduce or terminate the period of community supervision,
16 unless the defendant is delinquent in paying required restitution,
17 fines, costs, or fees that the defendant has the ability to pay or
18 the defendant has not completed court-ordered counseling or
19 treatment. Before reducing or terminating a period of community
20 supervision or conducting a review under this section, the judge
21 shall notify the attorney representing the state and the defendant
22 or, if the defendant has an attorney, the defendant's attorney. If
23 the judge determines that the defendant has failed to
24 satisfactorily fulfill the conditions of community supervision,

1 the judge shall advise the defendant in writing of the requirements
2 for satisfactorily fulfilling those conditions. Upon the
3 satisfactory fulfillment of the conditions of community
4 supervision, and the expiration of the period of community
5 supervision, the judge, by order duly entered, shall amend or
6 modify the original sentence imposed, if necessary, to conform to
7 the community supervision period and shall discharge the
8 defendant. If the judge discharges the defendant under this
9 section, not later than the 30th day after the date of the
10 defendant's discharge the judge may set aside the verdict or permit
11 the defendant to withdraw the defendant's plea[7] and shall dismiss
12 the accusation, complaint, information or indictment against the
13 defendant, who shall thereafter be released from all penalties and
14 disabilities resulting from the offense or crime of which the
15 defendant has been convicted or to which the defendant has pleaded
16 guilty, except that:

17 (1) proof of the conviction or plea of guilty shall be
18 made known to the judge should the defendant again be convicted of
19 any criminal offense; and

20 (2) if the defendant is an applicant for a license or
21 is a licensee under Chapter 42, Human Resources Code, the Health and
22 Human Services Commission may consider the fact that the defendant
23 previously has received community supervision under this article in
24 issuing, renewing, denying, or revoking a license under that
25 chapter.

26 (c) If the judge sets aside the verdict or permits the
27 defendant to withdraw the defendant's plea and dismisses the

1 accusation, complaint, information, or indictment against the
2 defendant under Subsection (a), the defendant is not considered to
3 have been convicted of an offense and:

4 (1) a licensing authority may not deny an application
5 for an occupational license, suspend, revoke, or refuse to renew an
6 occupational license, or take any other disciplinary action against
7 the defendant based on the offense of which the defendant otherwise
8 would have been convicted or to which the defendant has pleaded
9 guilty; and

10 (2) the defendant may not be denied a benefit or
11 subject to any civil disability or disqualification based on the
12 offense of which the defendant otherwise would have been convicted
13 or to which the defendant has pleaded guilty.

14 (d) Subsection (c) supersedes any conflicting state statute
15 enacted before September 1, 2015, that purports to deny a benefit or
16 impose a disability or disqualification.

17 (e) Subsection (c) supersedes any conflicting state statute
18 enacted on or after September 1, 2015, unless the statute expressly
19 provides otherwise.

20 (f) A dismissal under Subsection (a) does not release the
21 defendant from the obligation to pay any required restitution,
22 finances, costs, or fees ordered by the court.

23 SECTION 2. This Act takes effect September 1, 2015.