

By: Riddle

H.B. No. 2299

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the nonsubstantive revision of certain laws concerning  
3 community supervision granted in criminal cases, including  
4 conforming amendments.

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

6 ARTICLE 1. NONSUBSTANTIVE REVISION OF COMMUNITY SUPERVISION LAWS

7 SECTION 1.01. Title 1, Code of Criminal Procedure, is  
8 amended by adding Chapter 42A to read as follows:

9 CHAPTER 42A. COMMUNITY SUPERVISION

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Art. 42A.001. DEFINITIONS

12 SUBCHAPTER B. PLACEMENT ON COMMUNITY SUPERVISION

13 Art. 42A.051. AUTHORITY TO GRANT COMMUNITY

14 SUPERVISION, IMPOSE OR MODIFY

15 CONDITIONS, OR DISCHARGE DEFENDANT

16 Art. 42A.052. MODIFICATION OF CONDITIONS BY

17 SUPERVISION OFFICER OR MAGISTRATE

18 Art. 42A.053. JUDGE-ORDERED COMMUNITY SUPERVISION

19 Art. 42A.054. LIMITATION ON JUDGE-ORDERED COMMUNITY

20 SUPERVISION

21 Art. 42A.055. JURY-RECOMMENDED COMMUNITY SUPERVISION

22 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY

23 SUPERVISION

- 1 Art. 42A.057. MINIMUM PERIOD OF COMMUNITY SUPERVISION FOR  
2 CERTAIN BURGLARIES OF VEHICLES  
3 SUBCHAPTER C. DEFERRED ADJUDICATION COMMUNITY SUPERVISION  
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5 COMMUNITY SUPERVISION  
6 Art. 42A.102. ELIGIBILITY FOR DEFERRED ADJUDICATION  
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8 Art. 42A.103. PERIOD OF DEFERRED ADJUDICATION  
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10 Art. 42A.104. CONDITIONS OF DEFERRED ADJUDICATION  
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12 FINE  
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25 Art. 42A.152. ISSUANCE OF WARRANT BY COURT HAVING  
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27 Art. 42A.153. CHANGE OF RESIDENCE WITHIN THE STATE

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- 7 Art. 42A.203. AUTHORITY TO SUSPEND EXECUTION OF SENTENCE
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24 CHAPTER 42A. COMMUNITY SUPERVISION

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Art. 42A.001. DEFINITIONS. In this chapter:

27 (1) "Community supervision" means the placement of a



1 defendant by a court under a continuum of programs and sanctions,  
2 with conditions imposed by the court for a specified period during  
3 which:

4 (A) criminal proceedings are deferred without an  
5 adjudication of guilt; or

6 (B) a sentence of imprisonment or confinement,  
7 imprisonment and fine, or confinement and fine, is probated and the  
8 imposition of sentence is suspended in whole or in part.

9 (2) "Court" means a court of record having original  
10 criminal jurisdiction.

11 (3) "Electronic monitoring" includes voice tracking  
12 systems, position tracking systems, position location systems,  
13 biometric tracking systems, and any other electronic or  
14 telecommunications system that may be used to assist in the  
15 supervision of defendants under this chapter.

16 (4) "Supervision officer" means a person appointed or  
17 employed under Section 76.004, Government Code, to supervise  
18 defendants placed on community supervision. (Code Crim. Proc.,  
19 Art. 42.12, Sec. 2.)

20 SUBCHAPTER B. PLACEMENT ON COMMUNITY SUPERVISION

21 Art. 42A.051. AUTHORITY TO GRANT COMMUNITY SUPERVISION,  
22 IMPOSE OR MODIFY CONDITIONS, OR DISCHARGE DEFENDANT. (a) Unless  
23 the judge has transferred jurisdiction of the case to another court  
24 under Article 42A.151, only the court in which the defendant was  
25 tried may:

26 (1) grant community supervision;

27 (2) impose conditions; or

1           (3) discharge the defendant.

2           (b) The judge of the court having jurisdiction of the case  
3 may, at any time during the period of community supervision, modify  
4 the conditions of community supervision. Except as provided by  
5 Article 42A.052(a), only the judge may modify the conditions.  
6 (Code Crim. Proc., Art. 42.12, Secs. 10(a) (part), 11(a) (part).)

7           Art. 42A.052. MODIFICATION OF CONDITIONS BY SUPERVISION  
8 OFFICER OR MAGISTRATE. (a) A judge who places a defendant on  
9 community supervision may authorize the supervision officer  
10 supervising the defendant or a magistrate appointed by the district  
11 courts in the county that give preference to criminal cases to  
12 modify the conditions of community supervision for the limited  
13 purpose of transferring the defendant to different programs within  
14 the community supervision continuum of programs and sanctions.

15           (b) A supervision officer or magistrate who modifies the  
16 conditions of community supervision shall:

17           (1) deliver a copy of the modified conditions to the  
18 defendant;

19           (2) file a copy of the modified conditions with the  
20 sentencing court; and

21           (3) note the date of delivery of the copy in the  
22 defendant's file.

23           (c) If the defendant agrees to the modification in writing,  
24 the officer or magistrate shall file a copy of the modified  
25 conditions with the district clerk and the conditions shall be  
26 enforced as modified. If the defendant does not agree to the  
27 modification in writing, the supervision officer or magistrate

1 shall refer the case to the judge for modification in the manner  
2 provided by Article 42A.752. (Code Crim. Proc., Art. 42.12, Secs.  
3 10(d), (e).)

4 Art. 42A.053. JUDGE-ORDERED COMMUNITY SUPERVISION. (a) A  
5 judge, in the best interest of justice, the public, and the  
6 defendant, after conviction or a plea of guilty or nolo contendere,  
7 may:

8 (1) suspend the imposition of the sentence and place  
9 the defendant on community supervision; or

10 (2) impose a fine applicable to the offense and place  
11 the defendant on community supervision.

12 (b) A judge may not deny community supervision to a  
13 defendant based solely on the defendant's inability to speak, read,  
14 write, hear, or understand English.

15 (c) A defendant is not eligible for community supervision  
16 under this article if the defendant is sentenced to serve:

17 (1) a term of imprisonment that exceeds 10 years; or

18 (2) a term of confinement under Section 12.35, Penal  
19 Code.

20 (d) In a felony case:

21 (1) the minimum period of community supervision is the  
22 same as the minimum term of imprisonment applicable to the offense;  
23 and

24 (2) the maximum period of community supervision is:

25 (A) 10 years, for a felony other than a third  
26 degree felony described by Paragraph (B); and

27 (B) five years, for any of the following third

1 degree felonies:

2 (i) a third degree felony under Title 7,  
3 Penal Code; and

4 (ii) a third degree felony under Chapter  
5 481, Health and Safety Code.

6 (e) Notwithstanding Subsection (d), the minimum period of  
7 community supervision under this article for a felony described by  
8 Article 42A.453(b) is five years.

9 (f) The maximum period of community supervision in a  
10 misdemeanor case is two years.

11 (g) Notwithstanding Subsection (d)(2) or (f), a judge may  
12 extend the maximum period of community supervision in the manner  
13 provided by Article 42A.753 or 42A.757. (Code Crim. Proc., Art.  
14 [42.12](#), Secs. 3(a), (b), (c), (d), (e), (f), (g).)

15 Art. 42A.054. LIMITATION ON JUDGE-ORDERED COMMUNITY  
16 SUPERVISION. (a) Article 42A.053 does not apply to a defendant  
17 adjudged guilty of an offense under:

18 (1) Section [15.03](#), Penal Code, if the offense is  
19 punishable as a felony of the first degree;

20 (2) Section [19.02](#), Penal Code (Murder);

21 (3) Section [19.03](#), Penal Code (Capital Murder);

22 (4) Section [20.04](#), Penal Code (Aggravated  
23 Kidnapping);

24 (5) Section [20A.02](#), Penal Code (Trafficking of  
25 Persons);

26 (6) Section [21.11](#)(a)(1), Penal Code (Indecency with a  
27 Child);

- 1           (7) Section 22.011, Penal Code (Sexual Assault);
- 2           (8) Section 22.021, Penal Code (Aggravated Sexual  
3 Assault);
- 4           (9) Section 22.04(a)(1), Penal Code (Injury to a  
5 Child, Elderly Individual, or Disabled Individual), if:
- 6                 (A) the offense is punishable as a felony of the  
7 first degree; and
- 8                 (B) the victim of the offense is a child;
- 9           (10) Section 29.03, Penal Code (Aggravated Robbery);
- 10           (11) Section 30.02, Penal Code (Burglary), if:
- 11                 (A) the offense is punishable under Subsection  
12 (d) of that section; and
- 13                 (B) the actor committed the offense with the  
14 intent to commit a felony under Section 21.02, 21.11, 22.011,  
15 22.021, or 25.02, Penal Code;
- 16           (12) Section 43.05, Penal Code (Compelling  
17 Prostitution);
- 18           (13) Section 43.25, Penal Code (Sexual Performance by  
19 a Child); or
- 20           (14) Chapter 481, Health and Safety Code, for which  
21 punishment is increased under:
- 22                 (A) Section 481.140 of that code (Use of Child in  
23 Commission of Offense); or
- 24                 (B) Section 481.134(c), (d), (e), or (f) of that  
25 code (Drug-free Zones) if it is shown that the defendant has been  
26 previously convicted of an offense for which punishment was  
27 increased under any of those subsections.

1 (b) Article 42A.053 does not apply to a defendant when it is  
2 shown that:

3 (1) a deadly weapon as defined by Section 1.07, Penal  
4 Code, was used or exhibited during the:

5 (A) commission of a felony offense; or

6 (B) immediate flight from the commission of a  
7 felony offense; and

8 (2) the defendant:

9 (A) used or exhibited the deadly weapon; or

10 (B) was a party to the offense and knew that a  
11 deadly weapon would be used or exhibited.

12 (c) On an affirmative finding regarding the use or  
13 exhibition of a deadly weapon as described by Subsection (b), the  
14 trial court shall enter the finding in the judgment of the court.

15 (d) On an affirmative finding that the deadly weapon under  
16 Subsection (c) was a firearm, the court shall enter that finding in  
17 its judgment. (Code Crim. Proc., Art. 42.12, Sec. 3g(a).)

18 Art. 42A.055. JURY-RECOMMENDED COMMUNITY SUPERVISION. (a)  
19 A jury that imposes confinement as punishment for an offense may  
20 recommend to the judge that the judge suspend the imposition of the  
21 sentence and place the defendant on community supervision. A judge  
22 shall suspend the imposition of the sentence and place the  
23 defendant on community supervision if the jury makes that  
24 recommendation in the verdict.

25 (b) A defendant is eligible for community supervision under  
26 this article only if:

27 (1) before the trial begins, the defendant files a

1 written sworn motion with the judge that the defendant has not  
2 previously been convicted of a felony in this or any other state;  
3 and

4 (2) the jury enters in the verdict a finding that the  
5 information contained in the defendant's motion is true.

6 (c) If the jury recommends to the judge that the judge place  
7 the defendant on community supervision, the judge shall place the  
8 defendant on community supervision for any period permitted under  
9 Articles 42A.053(d) and (f), as appropriate.

10 (d) A judge may extend the maximum period of community  
11 supervision in the manner provided by Article 42A.753 or 42A.757.  
12 (Code Crim. Proc., Art. 42.12, Secs. 4(a), (b), (c), (d) (part),  
13 (e).)

14 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY  
15 SUPERVISION. A defendant is not eligible for community supervision  
16 under Article 42A.055 if the defendant:

17 (1) is sentenced to a term of imprisonment that  
18 exceeds 10 years;

19 (2) is convicted of a state jail felony for which  
20 suspension of the imposition of the sentence occurs automatically  
21 under Article 42A.551;

22 (3) is adjudged guilty of an offense under Section  
23 19.02, Penal Code;

24 (4) is convicted of an offense under Section  
25 21.11(a)(1), 22.011, or 22.021, Penal Code, if the victim of the  
26 offense was younger than 14 years of age at the time the offense was  
27 committed;

1           (5) is convicted of an offense under Section 20.04,  
2 Penal Code, if:

3           (A) the victim of the offense was younger than 14  
4 years of age at the time the offense was committed; and

5           (B) the actor committed the offense with the  
6 intent to violate or abuse the victim sexually;

7           (6) is convicted of an offense under Section 20A.02,  
8 43.05, or 43.25, Penal Code; or

9           (7) is convicted of an offense for which punishment is  
10 increased under Section 481.134(c), (d), (e), or (f), Health and  
11 Safety Code, if it is shown that the defendant has been previously  
12 convicted of an offense for which punishment was increased under  
13 any of those subsections. (Code Crim. Proc., Art. 42.12, Sec. 4(d)  
14 (part).)

15           Art. 42A.057. MINIMUM PERIOD OF COMMUNITY SUPERVISION FOR  
16 CERTAIN BURGLARIES OF VEHICLES. The minimum period of community  
17 supervision for an offense under Section 30.04, Penal Code,  
18 punishable as a Class A misdemeanor with a minimum term of  
19 confinement of six months is one year. (Code Crim. Proc., Art.  
20 42.12, Secs. 3(h), 4(f).)

21           SUBCHAPTER C. DEFERRED ADJUDICATION COMMUNITY SUPERVISION

22           Art. 42A.101. PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY  
23 SUPERVISION. (a) Except as provided by Article 42A.102(b), if in  
24 the judge's opinion the best interest of society and the defendant  
25 will be served, the judge may, after receiving a plea of guilty or  
26 nolo contendere, hearing the evidence, and finding that it  
27 substantiates the defendant's guilt, defer further proceedings



1 without entering an adjudication of guilt and place the defendant  
2 on deferred adjudication community supervision.

3 (b) After placing the defendant on deferred adjudication  
4 community supervision under Subsection (a), the judge shall inform  
5 the defendant orally or in writing of the possible consequences  
6 under Articles 42A.108 and 42A.110 of a violation of a condition of  
7 deferred adjudication community supervision. If the information is  
8 provided orally, the judge must record and maintain the judge's  
9 statement to the defendant. The failure of a judge to inform a  
10 defendant of possible consequences under Articles 42A.108 and  
11 42A.110 is not a ground for reversal unless the defendant shows that  
12 the defendant was harmed by the failure of the judge to provide the  
13 information. (Code Crim. Proc., Art. 42.12, Sec. 5(a) (part).)

14 Art. 42A.102. ELIGIBILITY FOR DEFERRED ADJUDICATION  
15 COMMUNITY SUPERVISION. (a) A judge may place on deferred  
16 adjudication community supervision a defendant charged with an  
17 offense under Section 21.11, 22.011, or 22.021, Penal Code,  
18 regardless of the age of the victim, or a defendant charged with a  
19 felony described by Article 42A.453(b) only if the judge makes a  
20 finding in open court that placing the defendant on deferred  
21 adjudication community supervision is in the best interest of the  
22 victim. The failure of the judge to make a finding under this  
23 subsection is not grounds for the defendant to set aside the plea,  
24 deferred adjudication, or any subsequent conviction or sentence.

25 (b) In all other cases, the judge may grant deferred  
26 adjudication community supervision unless:

27 (1) the defendant is charged with an offense:

1 (A) under Sections 49.04-49.08, Penal Code; or

2 (B) for which punishment may be increased under  
3 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it  
4 is shown that the defendant has been previously convicted of an  
5 offense for which punishment was increased under any one of those  
6 subsections;

7 (2) the defendant:

8 (A) is charged with an offense under Section  
9 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the  
10 victim, or a felony described by Article 42A.453(b); and

11 (B) has previously been placed on community  
12 supervision for an offense under Paragraph (A);

13 (3) the defendant is charged with an offense under:

14 (A) Section 21.02, Penal Code; or

15 (B) Section 22.021, Penal Code, that is  
16 punishable under Subsection (f) of that section or under Section  
17 12.42(c)(3) or (4), Penal Code; or

18 (4) the defendant is charged with an offense under  
19 Section 19.02, Penal Code, except that the judge may grant deferred  
20 adjudication community supervision on determining that the  
21 defendant did not cause the death of the deceased, did not intend to  
22 kill the deceased or another, and did not anticipate that a human  
23 life would be taken. (Code Crim. Proc., Art. 42.12, Secs. 5(a)  
24 (part), (d).)

25 Art. 42A.103. PERIOD OF DEFERRED ADJUDICATION COMMUNITY  
26 SUPERVISION. (a) In a felony case, the period of deferred  
27 adjudication community supervision may not exceed 10 years. For a

1 defendant charged with a felony under Section [21.11](#), [22.011](#), or  
2 [22.021](#), Penal Code, regardless of the age of the victim, and for a  
3 defendant charged with a felony described by Article 42A.453(b),  
4 the period of deferred adjudication community supervision may not  
5 be less than five years.

6 (b) In a misdemeanor case, the period of deferred  
7 adjudication community supervision may not exceed two years.

8 (c) A judge may extend the maximum period of deferred  
9 adjudication community supervision in the manner provided by  
10 Article 42A.753 or 42A.757. (Code Crim. Proc., Art. [42.12](#), Sec.  
11 5(a) (part).)

12 Art. 42A.104. CONDITIONS OF DEFERRED ADJUDICATION  
13 COMMUNITY SUPERVISION; IMPOSITION OF FINE. (a) The judge may impose  
14 a fine applicable to the offense and require any reasonable  
15 condition of deferred adjudication community supervision that a  
16 judge could impose on a defendant placed on community supervision  
17 for a conviction that was probated and suspended, including:

- 18 (1) confinement; and  
19 (2) mental health treatment under Article 42A.506.

20 (b) The provisions of Subchapter L specifying whether a  
21 defendant convicted of a state jail felony is to be confined in a  
22 county jail or state jail felony facility and establishing the  
23 minimum and maximum terms of confinement as a condition of  
24 community supervision apply in the same manner to a defendant  
25 placed on deferred adjudication community supervision after  
26 pleading guilty or nolo contendere to a state jail felony. (Code  
27 Crim. Proc., Art. [42.12](#), Sec. 5(a) (part).)

1           Art. 42A.105. AFFIRMATIVE FINDINGS. (a) If a judge places  
2 on deferred adjudication community supervision a defendant charged  
3 with a sexually violent offense, as defined by Article 62.001, the  
4 judge shall make an affirmative finding of fact and file a statement  
5 of that affirmative finding with the papers in the case if the judge  
6 determines that the victim or intended victim was younger than 14  
7 years of age at the time of the offense.

8           (b) If a judge places on deferred adjudication community  
9 supervision a defendant charged with an offense under Section  
10 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or  
11 solicitation to commit one of those offenses, the judge shall make  
12 an affirmative finding of fact and file a statement of that  
13 affirmative finding with the papers in the case if the judge  
14 determines that the victim or intended victim was younger than 17  
15 years of age at the time of the offense.

16           (c) If a judge places on deferred adjudication community  
17 supervision a defendant charged with an offense under Section 21.11  
18 or 22.011, Penal Code, the judge shall make an affirmative finding  
19 of fact and file a statement of that affirmative finding with the  
20 papers in the case if the judge determines that:

21                   (1) at the time of the offense, the defendant was not  
22 more than four years older than the victim or intended victim and  
23 the victim or intended victim was at least 15 years of age; and

24                   (2) the charge to which the plea is entered under this  
25 subchapter is based solely on the ages of the defendant and the  
26 victim or intended victim at the time of the offense.

27           (d) If a judge places a defendant on deferred adjudication

1 community supervision, on the motion of the attorney representing  
2 the state the judge shall make an affirmative finding of fact and  
3 file a statement of that affirmative finding with the papers in the  
4 case if the judge determines that, regardless of whether the  
5 conduct at issue is the subject of the prosecution or part of the  
6 same criminal episode as the conduct that is the subject of the  
7 prosecution, a victim in the trial:

8 (1) is or has been a victim of a severe form of  
9 trafficking in persons, as defined by 22 U.S.C. Section 7102(9); or

10 (2) has suffered substantial physical or mental abuse  
11 as a result of having been a victim of criminal activity described  
12 by 8 U.S.C. Section 1101(a)(15)(U)(iii).

13 (e) The part of the papers in the case containing an  
14 affirmative finding under Subsection (d):

15 (1) must include specific information identifying the  
16 victim, as available;

17 (2) may not include information identifying the  
18 victim's location; and

19 (3) is confidential, unless written consent for the  
20 release of the affirmative finding is obtained from the victim or,  
21 if the victim is younger than 18 years of age, the victim's parent  
22 or guardian. (Code Crim. Proc., Art. [42.12](#), Secs. 5(e), (g), (i),  
23 (j).)

24 Art. 42A.106. RECORD NOT CONFIDENTIAL; RIGHT TO PETITION  
25 FOR ORDER OF NONDISCLOSURE. (a) Except as provided by Section  
26 [552.142](#), Government Code, a record in the custody of the court clerk  
27 regarding a case in which a defendant is granted deferred

1 adjudication community supervision is not confidential.

2 (b) Before placing a defendant on deferred adjudication  
3 community supervision, the court shall inform the defendant of the  
4 defendant's right to petition the court for an order of  
5 nondisclosure under Section 411.081, Government Code, unless the  
6 defendant is ineligible to pursue that right because of:

7 (1) the nature of the offense for which the defendant  
8 is placed on deferred adjudication community supervision; or

9 (2) the defendant's criminal history. (Code Crim.  
10 Proc., Art. 42.12, Secs. 5(a-1), (f).)

11 Art. 42A.107. REQUEST FOR FINAL ADJUDICATION. On written  
12 motion of the defendant requesting final adjudication that is filed  
13 within 30 days after the entry of the defendant's plea and the  
14 deferment of adjudication, the judge shall proceed to final  
15 adjudication as in all other cases. (Code Crim. Proc., Art. 42.12,  
16 Sec. 5(a) (part).)

17 Art. 42A.108. VIOLATION OF CONDITION OF DEFERRED  
18 ADJUDICATION COMMUNITY SUPERVISION; HEARING. (a) On violation of a  
19 condition of deferred adjudication community supervision imposed  
20 under Article 42A.104, the defendant may be arrested and detained  
21 as provided in Article 42A.751.

22 (b) The defendant is entitled to a hearing limited to a  
23 determination by the court of whether the court will proceed with an  
24 adjudication of guilt on the original charge. The court may not  
25 proceed with an adjudication of guilt on the original charge if the  
26 court finds that the only evidence supporting the alleged violation  
27 of a condition of deferred adjudication community supervision is

1 the uncorroborated results of a polygraph examination. The  
2 determination to proceed with an adjudication of guilt on the  
3 original charge is reviewable in the same manner as a revocation  
4 hearing conducted under Article 42A.751(d) in a case in which the  
5 adjudication of guilt was not deferred.

6 (c) A court retains jurisdiction to hold a hearing under  
7 Subsection (b) and to proceed with an adjudication of guilt,  
8 regardless of whether the period of deferred adjudication community  
9 supervision imposed on the defendant has expired, if before the  
10 expiration of the supervision period:

11 (1) the attorney representing the state files a motion  
12 to proceed with the adjudication; and

13 (2) a *capias* is issued for the arrest of the defendant.  
14 (Code Crim. Proc., Art. [42.12](#), Secs. 5(b) (part), (h).)

15 Art. 42A.109. DUE DILIGENCE DEFENSE. For the purposes of a  
16 hearing under Article 42A.108, it is an affirmative defense to  
17 revocation for an alleged violation based on a failure to report to  
18 a supervision officer as directed or to remain within a specified  
19 place that no supervision officer, peace officer, or other officer  
20 with the power of arrest under a warrant issued by a judge for that  
21 alleged violation contacted or attempted to contact the defendant  
22 in person at the defendant's last known residence address or last  
23 known employment address, as reflected in the files of the  
24 department serving the county in which the order of deferred  
25 adjudication community supervision was entered. (Code Crim. Proc.,  
26 Art. [42.12](#), Sec. 24 (part).)

27 Art. 42A.110. PROCEEDINGS AFTER ADJUDICATION. (a) After

1 an adjudication of guilt, all proceedings, including assessment of  
2 punishment, pronouncement of sentence, granting of community  
3 supervision, and defendant's appeal, continue as if the  
4 adjudication of guilt had not been deferred.

5 (b) A court assessing punishment after an adjudication of  
6 guilt of a defendant charged with a state jail felony may suspend  
7 the imposition of the sentence and place the defendant on community  
8 supervision or may order the sentence to be executed, regardless of  
9 whether the defendant has previously been convicted of a felony.  
10 (Code Crim. Proc., Art. [42.12](#), Sec. 5(b) (part).)

11 Art. 42A.111. DISMISSAL AND DISCHARGE. (a) On expiration of  
12 a period of deferred adjudication community supervision imposed  
13 under this subchapter, if the judge has not proceeded to an  
14 adjudication of guilt, the judge shall dismiss the proceedings  
15 against the defendant and discharge the defendant.

16 (b) The judge may dismiss the proceedings and discharge a  
17 defendant before the expiration of the period of deferred  
18 adjudication community supervision if, in the judge's opinion, the  
19 best interest of society and the defendant will be served, except  
20 that the judge may not dismiss the proceedings and discharge a  
21 defendant charged with an offense requiring the defendant to  
22 register as a sex offender under Chapter 62.

23 (c) Except as provided by Section [12.42](#)(g), Penal Code, a  
24 dismissal and discharge under this article may not be considered a  
25 conviction for the purposes of disqualifications or disabilities  
26 imposed by law for conviction of an offense.

27 (d) For any defendant who receives a dismissal and discharge



1 under this article:

2 (1) on conviction of a subsequent offense, the fact  
3 that the defendant previously has received deferred adjudication  
4 community supervision is admissible before the court or jury for  
5 consideration on the issue of penalty;

6 (2) if the defendant is an applicant for or the holder  
7 of a license under Chapter 42, Human Resources Code, the Department  
8 of Family and Protective Services may consider the fact that the  
9 defendant previously has received deferred adjudication community  
10 supervision in issuing, renewing, denying, or revoking a license  
11 under that chapter; and

12 (3) if the defendant is an applicant for or the holder  
13 of a license to provide mental health or medical services for the  
14 rehabilitation of sex offenders, the Council on Sex Offender  
15 Treatment may consider the fact that the defendant previously has  
16 received deferred adjudication community supervision in issuing,  
17 renewing, denying, or revoking a license issued by that council.

18 (e) A judge who dismisses the proceedings against a  
19 defendant and discharges the defendant under this article shall:

20 (1) provide the defendant with a copy of the order of  
21 dismissal and discharge; and

22 (2) if applicable, inform the defendant of the  
23 defendant's eligibility to petition the court for an order of  
24 nondisclosure under Section [411.081](#), Government Code, and the  
25 earliest date the defendant is eligible to file the petition for the  
26 order of nondisclosure. (Code Crim. Proc., Art. [42.12](#), Secs. 5(c),  
27 (c-1).)

1 SUBCHAPTER D. JURISDICTION OVER CASE; GEOGRAPHICAL JURISDICTION

2 Art. 42A.151. TRANSFER OF JURISDICTION. (a) After a  
3 defendant has been placed on community supervision, jurisdiction of  
4 the case may be transferred to a court of the same rank in this state  
5 that:

6 (1) has geographical jurisdiction where the  
7 defendant:

8 (A) resides; or

9 (B) violates a condition of community  
10 supervision; and

11 (2) consents to the transfer.

12 (b) On transfer, the clerk of the court of original  
13 jurisdiction shall forward to the court accepting jurisdiction a  
14 transcript of any portion of the record as the transferring judge  
15 shall direct. The court accepting jurisdiction subsequently shall  
16 proceed as if the defendant's trial and conviction had occurred in  
17 that court. (Code Crim. Proc., Art. [42.12](#), Secs. 10(a) (part),  
18 (b).)

19 Art. 42A.152. ISSUANCE OF WARRANT BY COURT HAVING  
20 GEOGRAPHICAL JURISDICTION. (a) A judge of a court having  
21 geographical jurisdiction where a defendant resides or where the  
22 defendant violates a condition of community supervision may issue a  
23 warrant for the defendant's arrest.

24 (b) Notwithstanding Subsection (a), the determination of  
25 the action to be taken after the defendant's arrest may be made only  
26 by the judge of the court having jurisdiction of the case at the  
27 time the action is taken. (Code Crim. Proc., Art. [42.12](#), Sec.

1 10(c).)

2 Art. 42A.153. CHANGE OF RESIDENCE WITHIN THE STATE. (a)  
3 If, for good and sufficient reasons, a defendant desires to change  
4 the defendant's residence within the state, the change may be  
5 effected by application to the supervising supervision officer.

6 (b) The change of residence is subject to:

7 (1) the judge's consent; and

8 (2) any regulations the judge may require in the  
9 absence of a supervision officer in the locality to which the  
10 defendant is transferred. (Code Crim. Proc., Art. 42.12, Sec.  
11 17(a).)

12 Art. 42A.154. LEAVING THE STATE. A defendant who leaves the  
13 state without permission of the judge having jurisdiction of the  
14 case is:

15 (1) considered a fugitive from justice; and

16 (2) subject to extradition as provided by law. (Code  
17 Crim. Proc., Art. 42.12, Sec. 17(b).)

18 SUBCHAPTER E. PARTIAL EXECUTION OF SENTENCE; CONTINUING  
19 JURISDICTION

20 Art. 42A.201. CONTINUING JURISDICTION IN MISDEMEANOR  
21 CASES. (a) For the purposes of this article, the jurisdiction of  
22 the courts in this state in which a sentence requiring confinement  
23 in a jail is imposed for conviction of a misdemeanor continues for  
24 180 days from the date the execution of the sentence actually  
25 begins.

26 (b) The judge of a court that imposed a sentence requiring  
27 confinement in a jail for conviction of a misdemeanor may, on the

1 judge's own motion, on the motion of the attorney representing the  
2 state, or on the written motion of the defendant, suspend further  
3 execution of the sentence and place the defendant on community  
4 supervision under the terms and conditions of this chapter if, in  
5 the opinion of the judge, the defendant would not benefit from  
6 further confinement.

7 (c) When the defendant files a written motion with the court  
8 requesting suspension of further execution of the sentence and  
9 placement on community supervision or when requested to do so by the  
10 judge, the clerk of the court shall request a copy of the  
11 defendant's record while confined from the agency operating the  
12 jail in which the defendant is confined. On receipt of the request,  
13 the agency shall forward a copy of the record to the court as soon as  
14 possible.

15 (d) The judge may deny the motion without holding a hearing  
16 but may not grant a motion without holding a hearing and allowing  
17 the attorney representing the state and the defendant to present  
18 evidence in the case. (Code Crim. Proc., Art. [42.12](#), Sec. 7.)

19 Art. 42A.202. CONTINUING JURISDICTION IN FELONY CASES. (a)  
20 For the purposes of this article, the jurisdiction of a court  
21 imposing a sentence requiring imprisonment in the Texas Department  
22 of Criminal Justice for an offense other than a state jail felony  
23 continues for 180 days from the date the execution of the sentence  
24 actually begins.

25 (b) Before the expiration of the 180-day period described by  
26 Subsection (a), the judge of the court that imposed the sentence  
27 described by that subsection may, on the judge's own motion, on the

1 motion of the attorney representing the state, or on the written  
2 motion of the defendant, suspend further execution of the sentence  
3 and place the defendant on community supervision under the terms  
4 and conditions of this chapter if:

5 (1) in the opinion of the judge, the defendant would  
6 not benefit from further imprisonment;

7 (2) the defendant is otherwise eligible for community  
8 supervision under this chapter; and

9 (3) the defendant had never before been incarcerated  
10 in a penitentiary serving a sentence for a felony.

11 (c) When the defendant files a written motion requesting the  
12 judge to suspend further execution of the sentence and place the  
13 defendant on community supervision, the defendant shall  
14 immediately deliver or cause to be delivered a copy of the motion to  
15 the office of the attorney representing the state.

16 (d) When the defendant or the attorney representing the  
17 state files a written motion requesting the judge to suspend  
18 further execution of the sentence and place the defendant on  
19 community supervision, and when requested to do so by the judge, the  
20 clerk of the court shall request a copy of the defendant's record  
21 while imprisoned from the Texas Department of Criminal Justice or,  
22 if the defendant is confined in county jail, from the sheriff. On  
23 receipt of the request, the Texas Department of Criminal Justice or  
24 the sheriff shall forward a copy of the record to the judge as soon  
25 as possible.

26 (e) The judge may deny the motion without holding a hearing  
27 but may not grant the motion without holding a hearing and providing

1 the attorney representing the state and the defendant the  
2 opportunity to present evidence on the motion. (Code Crim. Proc.,  
3 Art. [42.12](#), Sec. 6.)

4 Art. 42A.203. AUTHORITY TO SUSPEND EXECUTION OF SENTENCE IN  
5 FELONY CASES. (a) Except as otherwise provided by Subsection (b),  
6 only the judge who originally sentenced the defendant may suspend  
7 execution of the sentence and place the defendant on community  
8 supervision under Article 42A.202.

9 (b) If the judge who originally sentenced the defendant is  
10 deceased or disabled or the office is vacant, and if a motion is  
11 filed in accordance with Article 42A.202, the clerk of the court  
12 shall promptly forward a copy of the motion to the presiding judge  
13 of the administrative judicial district for that court. The  
14 presiding judge may deny the motion without holding a hearing or may  
15 appoint a judge to hold a hearing on the motion. (Code Crim. Proc.,  
16 Art. [42.12](#), Sec. 10(a) (part).)

17 Art. 42A.204. PARTIAL EXECUTION OF SENTENCE: FIREARM USED  
18 OR EXHIBITED. (a) If in the trial of a felony of the second degree  
19 or higher there is an affirmative finding described by Article  
20 42A.054(d) and the jury recommends that the court place the  
21 defendant on community supervision, the court may order the  
22 defendant imprisoned in the Texas Department of Criminal Justice  
23 for not less than 60 and not more than 120 days.

24 (b) At any time after the defendant has served 60 days in the  
25 custody of the Texas Department of Criminal Justice, the sentencing  
26 judge, on the judge's own motion or on motion of the defendant, may  
27 order the defendant released to community supervision.

1 (c) The department shall release the defendant to community  
2 supervision after the defendant has served 120 days. (Code Crim.  
3 Proc., Art. 42.12, Secs. 3g(b), 4(b) (part).)

4 SUBCHAPTER F. PRESENTENCE AND POSTSENTENCE REPORTS AND EVALUATIONS

5 Art. 42A.251. DEFINITIONS. In this subchapter:

6 (1) "Council" means the Council on Sex Offender  
7 Treatment.

8 (2) "Sex offender" means a person who has been  
9 convicted of, or has entered a plea of guilty or nolo contendere  
10 for, an offense under any one of the following provisions of the  
11 Penal Code:

12 (A) Section 20.04(a)(4) (Aggravated Kidnapping),  
13 if the person committed the offense with the intent to violate or  
14 abuse the victim sexually;

15 (B) Section 21.08 (Indecent Exposure);

16 (C) Section 21.11 (Indecency with a Child);

17 (D) Section 22.011 (Sexual Assault);

18 (E) Section 22.021 (Aggravated Sexual Assault);

19 (F) Section 25.02 (Prohibited Sexual Conduct);

20 (G) Section 30.02 (Burglary), if:

21 (i) the offense is punishable under  
22 Subsection (d) of that section; and

23 (ii) the person committed the offense with  
24 the intent to commit a felony listed in this subdivision;

25 (H) Section 43.25 (Sexual Performance by a  
26 Child); or

27 (I) Section 43.26 (Possession or Promotion of

1 Child Pornography). (Code Crim. Proc., Art. 42.12, Sec. 9A(a).)

2 Art. 42A.252. PRESENTENCE REPORT REQUIRED. (a) Except as  
3 provided by Subsections (b) and (c), before the imposition of the  
4 sentence by a judge, the judge shall direct a supervision officer to  
5 prepare a presentence report for the judge.

6 (b) The judge is not required to direct a supervision  
7 officer to prepare a presentence report in a misdemeanor case if:

8 (1) the defendant requests that a report not be made  
9 and the judge agrees to the request; or

10 (2) the judge:

11 (A) finds that there is sufficient information in  
12 the record to permit the meaningful exercise of sentencing  
13 discretion; and

14 (B) explains that finding on the record.

15 (c) The judge is not required to direct a supervision  
16 officer to prepare a presentence report in a felony case if:

17 (1) punishment is to be assessed by a jury;

18 (2) the defendant is convicted of or enters a plea of  
19 guilty or nolo contendere to capital murder;

20 (3) the only available punishment is imprisonment; or

21 (4) the judge is informed that a plea bargain  
22 agreement exists, under which the defendant agrees to a punishment  
23 of imprisonment, and the judge intends to follow that agreement.

24 (Code Crim. Proc., Art. 42.12, Secs. 9(a) (part), (b), (g).)

25 Art. 42A.253. CONTENTS OF PRESENTENCE REPORT. (a) A  
26 presentence report must be in writing and include:

27 (1) the circumstances of the offense with which the



1 defendant is charged;

2 (2) the amount of restitution necessary to adequately  
3 compensate a victim of the offense;

4 (3) the criminal and social history of the defendant;

5 (4) a proposed supervision plan describing programs  
6 and sanctions that the community supervision and corrections  
7 department will provide the defendant if the judge suspends the  
8 imposition of the sentence or grants deferred adjudication  
9 community supervision;

10 (5) if the defendant is charged with a state jail  
11 felony, recommendations for conditions of community supervision  
12 that the community supervision and corrections department  
13 considers advisable or appropriate based on the circumstances of  
14 the offense and other factors addressed in the report;

15 (6) the results of a psychological evaluation of the  
16 defendant that determines, at a minimum, the defendant's IQ and  
17 adaptive behavior score if the defendant:

18 (A) is convicted of a felony offense; and

19 (B) appears to the judge, through the judge's own  
20 observation or on the suggestion of a party, to have a mental  
21 impairment;

22 (7) information regarding whether the defendant is a  
23 current or former member of the state military forces or whether the  
24 defendant currently serves or has previously served in the armed  
25 forces of the United States in an active-duty status and, if  
26 available, a copy of the defendant's military discharge papers and  
27 military records;

1           (8) if the defendant has served in the armed forces of  
2 the United States in an active-duty status, a determination as to  
3 whether the defendant was deployed to a combat zone and whether the  
4 defendant may suffer from post-traumatic stress disorder or a  
5 traumatic brain injury; and

6           (9) any other information relating to the defendant or  
7 the offense as requested by the judge.

8           (b) A presentence report is not required to contain a  
9 sentencing recommendation. (Code Crim. Proc., Art. [42.12](#), Secs.  
10 9(a) (part), (i), (l).)

11          Art. 42A.254. INSPECTION BY JUDGE; DISCLOSURE OF CONTENTS.  
12 The judge may not inspect a presentence report and the contents of  
13 the report may not be disclosed to any person unless:

14           (1) the defendant pleads guilty or nolo contendere or  
15 is convicted of the offense; or

16           (2) the defendant, in writing, authorizes the judge to  
17 inspect the report. (Code Crim. Proc., Art. [42.12](#), Sec. 9(c).)

18          Art. 42A.255. INSPECTION AND COMMENT BY DEFENDANT; ACCESS  
19 TO INFORMATION BY STATE. (a) Unless waived by the defendant, at  
20 least 48 hours before sentencing a defendant, the judge shall  
21 permit the defendant or the defendant's attorney to read the  
22 presentence report.

23           (b) The judge shall allow the defendant or the defendant's  
24 attorney to comment on a presentence investigation or a  
25 postsentence report and, with the approval of the judge, introduce  
26 testimony or other information alleging a factual inaccuracy in the  
27 investigation or report.

1 (c) The judge shall allow the attorney representing the  
2 state access to any information made available to the defendant  
3 under this article. (Code Crim. Proc., Art. [42.12](#), Secs. 9(d), (e),  
4 (f).)

5 Art. 42A.256. RELEASE OF INFORMATION TO SUPERVISION  
6 OFFICER; CONFIDENTIALITY OF REPORT. (a) The judge by order may  
7 direct that any information and records that are not privileged and  
8 that are relevant to a presentence or postsentence report be  
9 released to a supervision officer conducting a presentence  
10 investigation under this subchapter or preparing a postsentence  
11 report under Article 42A.259. The judge may also issue a subpoena  
12 to obtain that information.

13 (b) A presentence or postsentence report and all  
14 information obtained in connection with a presentence  
15 investigation or postsentence report are confidential and may be  
16 released only as:

17 (1) provided by:

18 (A) Subsection (c);

19 (B) Article 42A.255;

20 (C) Article 42A.257;

21 (D) Article 42A.259; or

22 (E) Section [614.017](#), Health and Safety Code; or

23 (2) directed by the judge for the effective  
24 supervision of the defendant.

25 (c) If the defendant is a sex offender, a supervision  
26 officer may release information in a presentence or postsentence  
27 report concerning the social and criminal history of the defendant

1 to a person who:

2 (1) is licensed or certified in this state to provide  
3 mental health or medical services, including a:

4 (A) physician;

5 (B) psychiatrist;

6 (C) psychologist;

7 (D) licensed professional counselor;

8 (E) licensed marriage and family therapist; or

9 (F) certified social worker; and

10 (2) provides mental health or medical services for the  
11 rehabilitation of the defendant. (Code Crim. Proc., Art. 42.12,  
12 Secs. 9(j), 9A(b).)

13 Art. 42A.257. EVALUATION FOR PURPOSES OF ALCOHOL OR DRUG  
14 REHABILITATION. (a) The judge shall direct a supervision officer  
15 approved by the community supervision and corrections department or  
16 the judge, or a person, program, or other agency approved by the  
17 Department of State Health Services, to conduct an evaluation to  
18 determine the appropriateness of, and a course of conduct necessary  
19 for, alcohol or drug rehabilitation for a defendant and to report  
20 the results of that evaluation to the judge, if:

21 (1) the judge determines that alcohol or drug abuse  
22 may have contributed to the commission of the offense; or

23 (2) the case involves a second or subsequent offense  
24 under:

25 (A) Section 49.04, Penal Code, if the offense was  
26 committed within five years of the date on which the most recent  
27 preceding offense was committed; or

1                   (B) Section 49.07 or 49.08, Penal Code, if the  
2 offense involved the operation of a motor vehicle and was committed  
3 within five years of the date on which the most recent preceding  
4 offense was committed.

5           (b) The evaluation must be made:

6                   (1) after arrest and before conviction, if requested  
7 by the defendant;

8                   (2) after conviction and before sentencing, if the  
9 judge assesses punishment in the case;

10                   (3) after sentencing and before the entry of a final  
11 judgment, if the jury assesses punishment in the case; or

12                   (4) after community supervision is granted, if the  
13 evaluation is required as a condition of community supervision  
14 under Article 42A.402. (Code Crim. Proc., Art. 42.12, Sec. 9(h).)

15           Art. 42A.258. EVALUATION FOR PURPOSES OF SEX OFFENDER  
16 TREATMENT, SPECIALIZED SUPERVISION, OR REHABILITATION. (a) If the  
17 defendant is a sex offender, the judge shall direct a supervision  
18 officer approved by the community supervision and corrections  
19 department or the judge, or a person, program, or other agency  
20 approved by the council, to:

21                   (1) evaluate the appropriateness of, and a course of  
22 conduct necessary for, treatment, specialized supervision, or  
23 rehabilitation of the defendant; and

24                   (2) report the results of the evaluation to the judge.

25           (b) The judge may require the evaluation to use  
26 offense-specific standards of practice adopted by the council and  
27 may require the report to reflect those standards.

1 (c) The evaluation must be made:

2 (1) after arrest and before conviction, if requested  
3 by the defendant; or

4 (2) after conviction and before the entry of a final  
5 judgment. (Code Crim. Proc., Art. 42.12, Sec. 9A(c).)

6 Art. 42A.259. POSTSENTENCE REPORT. (a) If a presentence  
7 report in a felony case is not required under Article 42A.252(c),  
8 the judge may direct a supervision officer to prepare a  
9 postsentence report containing the same information that would have  
10 been required for the presentence report, other than a proposed  
11 supervision plan and any information that is reflected in the  
12 judgment.

13 (b) If a postsentence report is ordered, the supervision  
14 officer shall send the report to the clerk of the court not later  
15 than the 30th day after the date on which sentence is pronounced or  
16 deferred adjudication community supervision is granted. The clerk  
17 shall deliver the postsentence report with the papers in the case to  
18 a designated officer of the Texas Department of Criminal Justice,  
19 to the extent required by Section 8(a), Article 42.09. (Code Crim.  
20 Proc., Art. 42.12, Sec. 9(k).)

21 SUBCHAPTER G. DISCRETIONARY CONDITIONS GENERALLY

22 Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. The judge of  
23 the court having jurisdiction of the case shall determine the  
24 conditions of community supervision. The judge may impose any  
25 reasonable condition that is designed to protect or restore the  
26 community, protect or restore the victim, or punish, rehabilitate,  
27 or reform the defendant. Conditions of community supervision may

1 include conditions requiring the defendant to:

2 (1) commit no offense against the laws of this state or  
3 of any other state or of the United States;

4 (2) avoid injurious or vicious habits;

5 (3) avoid persons or places of disreputable or harmful  
6 character, including any person, other than a family member of the  
7 defendant, who is an active member of a criminal street gang;

8 (4) report to the supervision officer as directed by  
9 the judge or supervision officer and obey all rules and regulations  
10 of the community supervision and corrections department;

11 (5) permit the supervision officer to visit the  
12 defendant at the defendant's home or elsewhere;

13 (6) work faithfully at suitable employment to the  
14 extent possible;

15 (7) remain within a specified place;

16 (8) pay in one or more amounts:

17 (A) the defendant's fine, if one is assessed; and

18 (B) all court costs, regardless of whether a fine  
19 is assessed;

20 (9) support the defendant's dependents;

21 (10) participate, for a period specified by the judge,  
22 in any community-based program, including a community service  
23 project under Article 42A.304;

24 (11) reimburse the county in which the prosecution was  
25 instituted as follows:

26 (A) if counsel was appointed, an amount for  
27 compensation paid to appointed counsel for defending the defendant

1 in the case; or

2 (B) if the defendant was represented by a public  
3 defender's office, an amount that would have been paid to an  
4 appointed attorney had the county not had a public defender's  
5 office;

6 (12) if under custodial supervision in a community  
7 corrections facility:

8 (A) remain under that supervision;

9 (B) obey all rules and regulations of the  
10 facility; and

11 (C) pay a percentage of the defendant's income  
12 to:

13 (i) the facility for room and board; and

14 (ii) the defendant's dependents for their  
15 support during the period of custodial supervision;

16 (13) submit to testing for alcohol or controlled  
17 substances;

18 (14) attend counseling sessions for substance abusers  
19 or participate in substance abuse treatment services in a program  
20 or facility approved or licensed by the Department of State Health  
21 Services;

22 (15) with the consent of the victim of a misdemeanor  
23 offense or of any offense under Title 7, Penal Code, participate in  
24 victim-defendant mediation;

25 (16) submit to electronic monitoring;

26 (17) reimburse the compensation to victims of crime  
27 fund for any amounts paid from that fund to or on behalf of a victim,



1 as defined by Article 56.32, of the offense or if no reimbursement  
2 is required, make one payment to the compensation to victims of  
3 crime fund in an amount not to exceed \$50 if the offense is a  
4 misdemeanor or not to exceed \$100 if the offense is a felony;

5 (18) reimburse a law enforcement agency for the  
6 analysis, storage, or disposal of raw materials, controlled  
7 substances, chemical precursors, drug paraphernalia, or other  
8 materials seized in connection with the offense;

9 (19) pay all or part of the reasonable and necessary  
10 costs incurred by the victim for psychological counseling made  
11 necessary by the offense or for counseling and education relating  
12 to acquired immune deficiency syndrome or human immunodeficiency  
13 virus made necessary by the offense;

14 (20) make one payment in an amount not to exceed \$50 to  
15 a crime stoppers organization, as defined by Section [414.001](#),  
16 Government Code, and as certified by the Texas Crime Stoppers  
17 Council;

18 (21) submit a DNA sample to the Department of Public  
19 Safety under Subchapter G, Chapter 411, Government Code, for the  
20 purpose of creating a DNA record of the defendant;

21 (22) in any manner required by the judge, provide in  
22 the county in which the offense was committed public notice of the  
23 offense for which the defendant was placed on community  
24 supervision; and

25 (23) reimburse the county in which the prosecution was  
26 instituted for compensation paid to any interpreter in the case.

27 (Code Crim. Proc., Art. [42.12](#), Sec. 11(a) (part).)

1           Art. 42A.302. CONFINEMENT.           (a) If a judge having  
2 jurisdiction of a case requires as a condition of community  
3 supervision that the defendant submit to a term of confinement in a  
4 county jail, the term of confinement may not exceed:

5                   (1) 30 days, in a misdemeanor case; or

6                   (2) 180 days, in a felony case.

7           (b) A judge who requires as a condition of community  
8 supervision that the defendant serve a term of confinement in a  
9 community corrections facility under Subchapter M may not impose a  
10 term of confinement under this article that, if added to the term  
11 imposed under Subchapter M, exceeds 24 months.

12           (c) A judge may impose a term of confinement as a condition  
13 of community supervision under this article on placing the  
14 defendant on supervision or at any time during the supervision  
15 period. The judge may impose terms of confinement as a condition of  
16 community supervision in increments smaller than the maximum terms  
17 provided by Subsection (a), except that the judge may not impose  
18 terms of confinement that, if added together, exceed the maximum  
19 terms provided by Subsection (a). (Code Crim. Proc., Art. [42.12](#),  
20 Sec. 12.)

21           Art. 42A.303. SUBSTANCE ABUSE FELONY PROGRAM. (a) If a  
22 court places a defendant on community supervision under any  
23 provision of this chapter as an alternative to imprisonment, the  
24 judge may require as a condition of community supervision that the  
25 defendant serve a term of confinement and treatment in a substance  
26 abuse felony punishment facility operated by the Texas Department  
27 of Criminal Justice under Section [493.009](#), Government Code.

1 (b) A term of confinement and treatment imposed under this  
2 article must be an indeterminate term of not more than one year or  
3 less than 90 days.

4 (c) The judge may impose the condition of community  
5 supervision described by this article if:

6 (1) the defendant is charged with or convicted of a  
7 felony other than:

8 (A) a felony under Section 21.11, 22.011, or  
9 22.021, Penal Code; or

10 (B) criminal attempt of a felony under Section  
11 21.11, 22.011, or 22.021, Penal Code; and

12 (2) the judge makes an affirmative finding that:

13 (A) drug or alcohol abuse significantly  
14 contributed to the commission of the offense or violation of a  
15 condition of community supervision, as applicable; and

16 (B) the defendant is a suitable candidate for  
17 treatment, as determined by the suitability criteria established by  
18 the Texas Board of Criminal Justice under Section 493.009(b),  
19 Government Code.

20 (d) If a judge requires as a condition of community  
21 supervision that the defendant serve a term of confinement and  
22 treatment in a substance abuse felony punishment facility under  
23 this article, the judge shall also require as a condition of  
24 community supervision that on release from the facility the  
25 defendant:

26 (1) participate in a drug or alcohol abuse continuum  
27 of care treatment plan; and

1           (2) pay a fee in an amount established by the judge for  
2 residential aftercare required as part of the treatment plan.

3           (e) The Department of State Health Services shall develop  
4 the continuum of care treatment plan described by Subsection  
5 (d)(1).

6           (f) The clerk of a court that collects a fee imposed under  
7 Subsection (d)(2) shall deposit the fee to be sent to the  
8 comptroller as provided by Subchapter B, Chapter 133, Local  
9 Government Code, and the comptroller shall deposit the fee into the  
10 general revenue fund. If the clerk does not collect a fee imposed  
11 under Subsection (d)(2), the clerk is not required to file any  
12 report required by the comptroller that relates to the collection  
13 of the fee. In establishing the amount of a fee under Subsection  
14 (d)(2), the judge shall consider fines, fees, and other necessary  
15 expenses for which the defendant is obligated. The judge may not:

16           (1) establish the fee in an amount that is greater than  
17 25 percent of the defendant's gross income while the defendant is a  
18 participant in residential aftercare; or

19           (2) require the defendant to pay the fee at any time  
20 other than a time at which the defendant is both employed and a  
21 participant in residential aftercare. (Code Crim. Proc., Art.  
22 [42.12](#), Sec. 14, as amended Acts 73rd Leg., R.S., Ch. 900; Acts 74th  
23 Leg., R.S., Chs. 76, 321; Acts 76th Leg., R.S., Ch. 1188; Acts 78th  
24 Leg., R.S., Chs. 209, 1310.)

25           Art. 42A.304. COMMUNITY SERVICE. (a) A judge may require  
26 as a condition of community supervision that the defendant work a  
27 specified number of hours at one or more community service projects

1 for one or more organizations approved by the judge and designated  
2 by the department. The judge may not require the defendant to work  
3 at a community service project if, as determined and noted on the  
4 community supervision order by the judge:

5 (1) the defendant is physically or mentally incapable  
6 of participating in the project;

7 (2) participating in the project will cause a hardship  
8 to the defendant or to the defendant's dependents;

9 (3) the defendant is to be confined in a substance  
10 abuse felony punishment facility as a condition of community  
11 supervision; or

12 (4) there is other good cause shown.

13 (b) The amount of community service work ordered by the  
14 judge may not exceed:

15 (1) 1,000 hours for an offense classified as a first  
16 degree felony;

17 (2) 800 hours for an offense classified as a second  
18 degree felony;

19 (3) 600 hours for:

20 (A) an offense classified as a third degree  
21 felony; or

22 (B) an offense under Section 30.04, Penal Code,  
23 classified as a Class A misdemeanor;

24 (4) 400 hours for an offense classified as a state jail  
25 felony;

26 (5) 200 hours for:

27 (A) an offense classified as a Class A

1 misdemeanor, other than an offense described by Subdivision (3)(B);  
2 or

3 (B) a misdemeanor for which the maximum  
4 permissible confinement, if any, exceeds six months or the maximum  
5 permissible fine, if any, exceeds \$4,000; and

6 (6) 100 hours for:

7 (A) an offense classified as a Class B  
8 misdemeanor; or

9 (B) a misdemeanor for which the maximum  
10 permissible confinement, if any, does not exceed six months and the  
11 maximum permissible fine, if any, does not exceed \$4,000.

12 (c) A defendant required to perform community service under  
13 this article is not a state employee for the purposes of Chapter 501  
14 or 504, Labor Code.

15 (d) If the court makes an affirmative finding under Article  
16 42.014, the judge may order the defendant to perform community  
17 service under this article at a project designated by the judge that  
18 primarily serves the person or group who was the target of the  
19 defendant. If the judge orders community service under this  
20 subsection, the judge shall order the defendant to perform not less  
21 than:

22 (1) 300 hours of service if the offense is classified  
23 as a felony; or

24 (2) 100 hours of service if the offense is classified  
25 as a misdemeanor.

26 (e) A defendant required to perform community service under  
27 this article after conviction of an offense under Section [352.082](#),

1 Local Government Code, shall perform 60 hours of service. The  
2 community service must consist of picking up litter in the county in  
3 which the defendant resides or working at a recycling facility if a  
4 program for performing that type of service is available in the  
5 community in which the court is located.

6 (f) The judge may order a defendant to make a specified  
7 donation to a nonprofit food bank or food pantry in the community in  
8 which the defendant resides instead of requiring the defendant to  
9 work a specified number of hours at one or more community service  
10 projects under Subsection (a). (Code Crim. Proc., Art. 42.12,  
11 Secs. 16(a), (b), (c), (d), (e), (f).)

12 Art. 42A.305. COMMUNITY OUTREACH. (a) This article  
13 applies only to a defendant placed on community supervision for an  
14 offense involving the possession, manufacture, or delivery of a  
15 controlled substance under Chapter 481, Health and Safety Code.

16 (b) If a judge orders a defendant to whom this article  
17 applies to perform community service, the judge may authorize the  
18 defendant to perform not more than 30 hours of community outreach  
19 under this article instead of performing hours of community  
20 service.

21 (c) Community outreach under this article must consist of  
22 working with a secondary school at the direction of the judge to  
23 educate students on the dangers and legal consequences of  
24 possessing, manufacturing, or delivering a controlled substance.

25 (d) A secondary school is not required to allow a defendant  
26 to perform community outreach at that school.

27 (e) The judge may not authorize the defendant to perform

1 hours of community outreach under this article instead of  
2 performing hours of community service if:

3 (1) the defendant is physically or mentally incapable  
4 of participating in community outreach; or

5 (2) the defendant is subject to registration as a sex  
6 offender under Chapter 62. (Code Crim. Proc., Art. 42.12, Sec.  
7 16(g).)

8 Art. 42A.306. SUPERVISION OF DEFENDANT FROM OUT OF STATE. A  
9 judge who receives a defendant for supervision as authorized by  
10 Section 510.017, Government Code, may impose on the defendant any  
11 term of community supervision authorized by this chapter. (Code  
12 Crim. Proc., Art. 42.12, Sec. 19(c) (part).)

13 Art. 42A.307. ORCHIECTOMY PROHIBITED. A judge may not  
14 require a defendant to undergo an orchiectomy as a condition of  
15 community supervision. (Code Crim. Proc., Art. 42.12, Sec. 11(f).)

16 SUBCHAPTER H. MANDATORY CONDITIONS GENERALLY

17 Art. 42A.351. EDUCATIONAL SKILL LEVEL. (a) If the judge or  
18 jury places a defendant on community supervision, the judge shall  
19 require the defendant to demonstrate to the court whether the  
20 defendant has an educational skill level that is equal to or greater  
21 than the average educational skill level of students who have  
22 completed the sixth grade in public schools in this state.

23 (b) If the judge determines that the defendant has not  
24 attained the educational skill level described by Subsection (a),  
25 the judge shall require as a condition of community supervision  
26 that the defendant attain that level of educational skill, unless  
27 the judge also determines that the defendant lacks the intellectual



1 capacity or the learning ability to ever achieve that level of  
2 educational skill. (Code Crim. Proc., Art. 42.12, Sec. 11(c).)

3 Art. 42A.352. DNA SAMPLE. A judge granting community  
4 supervision to a defendant convicted of a felony shall require as a  
5 condition of community supervision that the defendant provide a DNA  
6 sample under Subchapter G, Chapter 411, Government Code, for the  
7 purpose of creating a DNA record of the defendant, unless the  
8 defendant has already submitted the required sample under other  
9 state law. (Code Crim. Proc., Art. 42.12, Sec. 11(j).)

10 SUBCHAPTER I. CONDITIONS APPLICABLE TO CERTAIN INTOXICATION  
11 OFFENSES

12 Art. 42A.401. CONFINEMENT AS CONDITION OF COMMUNITY  
13 SUPERVISION FOR CERTAIN INTOXICATION OFFENSES. (a) A judge  
14 granting community supervision to a defendant convicted of an  
15 offense under Chapter 49, Penal Code, shall require as a condition  
16 of community supervision that the defendant submit to:

17 (1) not less than 72 hours of continuous confinement  
18 in county jail if the defendant was punished under Section  
19 49.09(a), Penal Code;

20 (2) not less than five days of confinement in county  
21 jail if the defendant was punished under Section 49.09(a), Penal  
22 Code, and was subject to Section 49.09(h), Penal Code;

23 (3) not less than 10 days of confinement in county jail  
24 if the defendant was punished under Section 49.09(b), Penal Code;

25 (4) not less than 30 days of confinement in county jail  
26 if the defendant was convicted of an offense under Section 49.07,  
27 Penal Code; or

1           (5) a term of confinement of not less than 120 days if  
2 the defendant was convicted of an offense under Section 49.08,  
3 Penal Code.

4           (b) If a sentence of confinement is imposed on the  
5 revocation of community supervision, the term of confinement served  
6 under Subsection (a) may not be credited toward completion of the  
7 sentence imposed. (Code Crim. Proc., Art. 42.12, Secs. 13(a)  
8 (part), (b), (e).)

9           Art. 42A.402. DRUG OR ALCOHOL DEPENDENCE EVALUATION AND  
10 REHABILITATION. (a) A judge granting community supervision to a  
11 defendant convicted of an offense under Chapter 49, Penal Code,  
12 shall require as a condition of community supervision that the  
13 defendant submit to an evaluation by a supervision officer or by a  
14 person, program, or facility approved by the Department of State  
15 Health Services for the purpose of having the facility prescribe  
16 and carry out a course of conduct necessary for the rehabilitation  
17 of the defendant's drug or alcohol dependence condition.

18           (b) If the director of a facility to which a defendant is  
19 referred under Subsection (a) determines that the defendant is not  
20 making a good faith effort to participate in a program of  
21 rehabilitation, the director shall notify the judge who referred  
22 the defendant to the facility of that determination.

23           (c) If a judge requires as a condition of community  
24 supervision that the defendant participate in a prescribed course  
25 of conduct necessary for the rehabilitation of the defendant's drug  
26 or alcohol dependence condition, the judge shall require that the  
27 defendant pay for all or part of the cost of the rehabilitation

1 based on the defendant's ability to pay. The judge, in the judge's  
2 discretion, may credit against the fine assessed the cost paid by  
3 the defendant. In determining a defendant's ability to pay the cost  
4 of rehabilitation under this subsection, the judge shall consider  
5 whether the defendant has insurance coverage that will pay for  
6 rehabilitation.

7 (d) A judge who grants community supervision to a defendant  
8 convicted of an offense under Sections 49.04-49.08, Penal Code,  
9 shall require, if the defendant has not submitted to an evaluation  
10 under Article 42A.257 before receiving community supervision, that  
11 the defendant submit to the evaluation as a condition of community  
12 supervision. If the evaluation indicates to the judge that the  
13 defendant needs treatment for drug or alcohol dependency, the judge  
14 shall require the defendant to submit to that treatment as a  
15 condition of community supervision in a program or facility that:

16 (1) is approved or licensed by the Department of State  
17 Health Services; or

18 (2) complies with standards established by the  
19 community justice assistance division of the Texas Department of  
20 Criminal Justice, after consultation by the division with the  
21 Department of State Health Services. (Code Crim. Proc., Art.  
22 [42.12](#), Secs. 13(a) (part), (c), (d), (f).)

23 Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION  
24 OFFENDERS; WAIVER OR EXTENSION OF TIME. (a) A judge who places on  
25 community supervision a defendant convicted of an offense under  
26 Sections 49.04-49.08, Penal Code, shall require as a condition of  
27 community supervision that the defendant attend and successfully

1 complete, before the 181st day after the date community supervision  
2 is granted, an educational program designed to rehabilitate persons  
3 who have driven while intoxicated that is jointly approved by:

- 4 (1) the Department of State Health Services;
- 5 (2) the Department of Public Safety;
- 6 (3) the traffic safety section of the traffic  
7 operations division of the Texas Department of Transportation; and
- 8 (4) the community justice assistance division of the  
9 Texas Department of Criminal Justice.

10 (b) This article does not apply to a defendant if a jury  
11 recommends community supervision for the defendant and also  
12 recommends that the defendant's driver's license not be suspended.

13 (c) If the defendant by a motion in writing shows good  
14 cause, the judge may:

- 15 (1) waive the educational program requirement; or
- 16 (2) to enable the defendant to successfully complete  
17 the program, grant an extension of time that expires not later than  
18 the first anniversary of the beginning date of the defendant's  
19 community supervision.

20 (d) In determining good cause, the judge may consider but is  
21 not limited to:

- 22 (1) the defendant's school and work schedule;
- 23 (2) the defendant's health;
- 24 (3) the distance that the defendant must travel to  
25 attend an educational program; and
- 26 (4) the fact that the defendant resides out of state,  
27 does not have a valid driver's license, or does not have access to

1 transportation.

2 (e) The judge shall set out the finding of good cause for  
3 waiver in the judgment. (Code Crim. Proc., Art. 42.12, Sec. 13(h)  
4 (part).)

5 Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT  
6 INTOXICATION OFFENDERS; WAIVER. (a) The judge shall require a  
7 defendant who is punished under Section 49.09, Penal Code, to  
8 attend and successfully complete as a condition of community  
9 supervision an educational program for repeat offenders that is  
10 approved by the Department of State Health Services.

11 (b) The judge may waive the educational program requirement  
12 only if the defendant by a motion in writing shows good cause. In  
13 determining good cause, the judge may consider:

- 14 (1) the defendant's school and work schedule;  
15 (2) the defendant's health;  
16 (3) the distance that the defendant must travel to  
17 attend an educational program; and  
18 (4) whether the defendant resides out of state or does  
19 not have access to transportation.

20 (c) The judge shall set out the finding of good cause in the  
21 judgment. (Code Crim. Proc., Art. 42.12, Sec. 13(j) (part).)

22 Art. 42A.405. RULES FOR AND ADMINISTRATION OF EDUCATIONAL  
23 PROGRAMS. (a) The Health and Human Services Commission shall adopt  
24 rules for the educational program under Article 42A.404.

25 (b) The Department of State Health Services shall:

- 26 (1) publish the jointly approved rules for the  
27 educational program under Article 42A.403; and

1           (2) monitor, coordinate, and provide training to  
2 persons providing the educational programs under this subchapter.

3           (c) The Department of State Health Services is responsible  
4 for the administration of the certification of approved educational  
5 programs.

6           (d) The Department of State Health Services may charge a  
7 nonrefundable application fee for the initial certification of  
8 approval or for a renewal of the certification. (Code Crim. Proc.,  
9 Art. [42.12](#), Secs. 13(h) (part), (j) (part).)

10           Art. 42A.406. EFFECT OF EDUCATIONAL PROGRAM REQUIREMENTS ON  
11 DRIVING RECORD AND LICENSE. (a) If a defendant is required as a  
12 condition of community supervision to attend an educational program  
13 under Article 42A.403 or 42A.404, or if the court waives the  
14 educational program requirement under Article 42A.403, the court  
15 clerk shall immediately report that fact to the Department of  
16 Public Safety, on a form prescribed by the department, for  
17 inclusion in the defendant's driving record. If the court grants an  
18 extension of time in which the defendant may complete the  
19 educational program under Article 42A.403, the court clerk shall  
20 immediately report that fact to the Department of Public Safety on a  
21 form prescribed by the department. The clerk's report under this  
22 subsection must include the beginning date of the defendant's  
23 community supervision.

24           (b) On the defendant's successful completion of an  
25 educational program under Article 42A.403 or 42A.404, the  
26 defendant's instructor shall give notice to the Department of  
27 Public Safety for inclusion in the defendant's driving record and

1 to the community supervision and corrections department. The  
2 community supervision and corrections department shall forward the  
3 notice to the court clerk for filing.

4 (c) If the Department of Public Safety does not receive  
5 notice that a defendant required to complete an educational program  
6 has successfully completed the program within the period required  
7 by the judge under this subchapter, as shown on department records,  
8 the department, as provided by Sections 521.344(e) and (f),  
9 Transportation Code, shall:

10 (1) revoke the defendant's driver's license; or

11 (2) prohibit the defendant from obtaining a license.

12 (d) The Department of Public Safety may not reinstate a  
13 license revoked under Subsection (c) as the result of an  
14 educational program requirement imposed under Article 42A.403  
15 unless the defendant whose license was revoked applies to the  
16 department for reinstatement of the license and pays to the  
17 department a reinstatement fee of \$100. The Department of Public  
18 Safety shall remit all fees collected under this subsection to the  
19 comptroller for deposit in the general revenue fund. (Code Crim.  
20 Proc., Art. 42.12, Secs. 13(h) (part), (j) (part).)

21 Art. 42A.407. SUSPENSION OF DRIVER'S LICENSE. (a) A jury  
22 that recommends community supervision for a defendant convicted of  
23 an offense under Sections 49.04-49.08, Penal Code, may recommend  
24 that any driver's license issued to the defendant under Chapter  
25 521, Transportation Code, not be suspended. This subsection does  
26 not apply to a defendant punished under Section 49.09(a) or (b),  
27 Penal Code, and subject to Section 49.09(h), Penal Code.

1           (b) Notwithstanding Sections 521.344(d)-(i),  
2 Transportation Code, if under Article 42A.404 the judge requires a  
3 defendant punished under Section 49.09, Penal Code, to attend an  
4 educational program as a condition of community supervision, or  
5 waives the required attendance for the program, and the defendant  
6 has previously been required to attend such an educational program,  
7 or the required attendance at the program had been waived, the judge  
8 shall order the suspension of the defendant's driver's license for a  
9 period determined by the judge according to the following schedule:

10           (1) not less than 90 days or more than one year, if the  
11 defendant is convicted under Sections 49.04-49.08, Penal Code;

12           (2) not less than 180 days or more than two years, if  
13 the defendant is punished under Section 49.09(a) or (b), Penal  
14 Code; or

15           (3) not less than one year or more than two years, if  
16 the defendant is convicted of a second or subsequent offense under  
17 Sections 49.04-49.08, Penal Code, committed within five years of  
18 the date on which the most recent preceding offense was committed.

19           (c) If the Department of Public Safety receives notice that  
20 a defendant has been required to attend a subsequent educational  
21 program under Article 42A.403 or 42A.404, although the previously  
22 required attendance had been waived, but the judge has not ordered a  
23 period of suspension, the department shall:

24           (1) suspend the defendant's driver's license; or

25           (2) issue an order prohibiting the defendant from  
26 obtaining a license for a period of one year.

27           (d) The judge shall suspend the defendant's driver's license



1 for a period provided under Subchapter O, Chapter 521,  
2 Transportation Code, if:

3 (1) a judge revokes the community supervision of the  
4 defendant for:

5 (A) an offense under Section 49.04, Penal Code;  
6 or

7 (B) an offense involving the operation of a motor  
8 vehicle under Section 49.07, Penal Code; and

9 (2) the license has not previously been ordered by the  
10 judge to be suspended, or the suspension was previously probated.

11 (e) The suspension of a defendant's driver's license under  
12 Subsection (d) shall be reported to the Department of Public Safety  
13 as provided under Section 521.347, Transportation Code.

14 (f) Notwithstanding any other provision of this subchapter  
15 or other law, a judge who places on community supervision a  
16 defendant who was younger than 21 years of age at the time of the  
17 offense and was convicted for an offense under Sections  
18 49.04-49.08, Penal Code, shall order that the defendant's driver's  
19 license be suspended for 90 days beginning on the date the defendant  
20 is placed on community supervision. (Code Crim. Proc., Art. 42.12,  
21 Secs. 13(g), (k), (l), (m), (n) (part).)

22 Art. 42A.408. USE OF IGNITION INTERLOCK DEVICE. (a) In  
23 this article, "ignition interlock device" means a device that uses  
24 a deep-lung breath analysis mechanism to make impractical the  
25 operation of the motor vehicle if ethyl alcohol is detected in the  
26 breath of the operator.

27 (b) The court may require as a condition of community

1 supervision that a defendant placed on community supervision after  
2 conviction of an offense under Sections 49.04-49.08, Penal Code,  
3 have an ignition interlock device installed on the motor vehicle  
4 owned by the defendant or on the vehicle most regularly driven by  
5 the defendant and that the defendant not operate any motor vehicle  
6 that is not equipped with that device.

7 (c) The court shall require as a condition of community  
8 supervision that a defendant described by Subsection (b) have an  
9 ignition interlock device installed on the motor vehicle owned by  
10 the defendant or on the vehicle most regularly driven by the  
11 defendant and that the defendant not operate any motor vehicle  
12 unless the vehicle is equipped with that device if:

13 (1) it is shown on the trial of the offense that an  
14 analysis of a specimen of the defendant's blood, breath, or urine  
15 showed an alcohol concentration level of 0.15 or more at the time  
16 the analysis was performed;

17 (2) the defendant is placed on community supervision  
18 after conviction of an offense under Sections 49.04-49.06, Penal  
19 Code, for which the defendant is punished under Section 49.09(a) or  
20 (b), Penal Code; or

21 (3) the court determines under Subsection (d) that the  
22 defendant has one or more previous convictions under Sections  
23 49.04-49.08, Penal Code.

24 (d) Before placing on community supervision a defendant  
25 convicted of an offense under Sections 49.04-49.08, Penal Code, the  
26 court shall determine from criminal history record information  
27 maintained by the Department of Public Safety whether the defendant

1 has one or more previous convictions under any of those sections. A  
2 previous conviction may not be used for purposes of restricting a  
3 defendant to the operation of a motor vehicle equipped with an  
4 ignition interlock device under Subsection (c) if:

5 (1) the previous conviction was a final conviction  
6 under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal  
7 Code, and was for an offense committed before the beginning of the  
8 10-year period preceding the date of the instant offense for which  
9 the defendant was convicted and placed on community supervision;  
10 and

11 (2) the defendant has not been convicted of an offense  
12 under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal  
13 Code, committed within the 10-year period preceding the date of the  
14 instant offense for which the defendant was convicted and placed on  
15 community supervision.

16 (e) Notwithstanding any other provision of this subchapter  
17 or other law, a judge who places on community supervision a  
18 defendant who was younger than 21 years of age at the time of the  
19 offense and was convicted for an offense under Sections  
20 49.04-49.08, Penal Code, shall require as a condition of community  
21 supervision that the defendant not operate any motor vehicle unless  
22 the vehicle is equipped with an ignition interlock device.

23 (f) The court shall require the defendant to obtain an  
24 ignition interlock device at the defendant's own cost before the  
25 30th day after the date of conviction unless the court finds that to  
26 do so would not be in the best interest of justice and enters its  
27 findings on record. The court shall require the defendant to

1 provide evidence to the court within the 30-day period that the  
2 device has been installed on the appropriate vehicle and order the  
3 device to remain installed on that vehicle for a period the length  
4 of which is not less than 50 percent of the supervision period. If  
5 the court determines the defendant is unable to pay for the ignition  
6 interlock device, the court may impose a reasonable payment  
7 schedule not to exceed twice the length of the period of the court's  
8 order.

9 (g) The Department of Public Safety shall approve ignition  
10 interlock devices for use under this article. Section 521.247,  
11 Transportation Code, applies to the approval of a device under this  
12 article and the consequences of that approval.

13 (h) Notwithstanding any other provision of this subchapter,  
14 if a defendant is required to operate a motor vehicle in the course  
15 and scope of the defendant's employment and if the vehicle is owned  
16 by the employer, the defendant may operate that vehicle without  
17 installation of an approved ignition interlock device if the  
18 employer has been notified of that driving privilege restriction  
19 and if proof of that notification is with the vehicle. The  
20 employment exemption does not apply if the business entity that  
21 owns the vehicle is owned or controlled by the defendant. (Code  
22 Crim. Proc., Art. 42.12, Secs. 13(i) (part), (n) (part).)

23 Art. 42A.409. COMMUNITY SUPERVISION FOR ENHANCED PUBLIC  
24 INTOXICATION OFFENSE. (a) On conviction of an offense punishable  
25 as a Class C misdemeanor under Section 49.02, Penal Code, for which  
26 punishment is enhanced under Section 12.43(c), Penal Code, based on  
27 previous convictions under Section 49.02 or 42.01, Penal Code, the

1 court may suspend the imposition of the sentence and place the  
2 defendant on community supervision if the court finds that the  
3 defendant would benefit from community supervision and enters its  
4 finding on the record. The judge may suspend in whole or in part the  
5 imposition of any fine imposed on conviction.

6 (b) All provisions of this chapter applying to a defendant  
7 placed on community supervision for a misdemeanor apply to a  
8 defendant placed on community supervision under Subsection (a),  
9 except that the court shall require the defendant as a condition of  
10 community supervision to:

11 (1) submit to diagnostic testing for addiction to  
12 alcohol or a controlled substance or drug;

13 (2) submit to a psychological assessment;

14 (3) if indicated as necessary by testing and  
15 assessment, participate in an alcohol or drug abuse treatment or  
16 education program; and

17 (4) pay the costs of testing, assessment, and  
18 treatment or education, either directly or as a court cost. (Code  
19 Crim. Proc., Art. [42.12](#), Sec. 15A.)

20 SUBCHAPTER J. CONDITIONS APPLICABLE TO SEX OFFENDERS

21 Art. 42A.451. SEX OFFENDER REGISTRATION; DNA SAMPLE. A  
22 judge granting community supervision to a defendant required to  
23 register as a sex offender under Chapter 62 shall require that the  
24 defendant, as a condition of community supervision:

25 (1) register under that chapter; and

26 (2) submit a DNA sample to the Department of Public  
27 Safety under Subchapter G, Chapter 411, Government Code, for the

1 purpose of creating a DNA record of the defendant, unless the  
2 defendant has already submitted the required sample under other  
3 state law. (Code Crim. Proc., Art. [42.12](#), Sec. 11(e).)

4 Art. 42A.452. TREATMENT, SPECIALIZED SUPERVISION, OR  
5 REHABILITATION. A judge who grants community supervision to a sex  
6 offender evaluated under Article 42A.258 may require the sex  
7 offender as a condition of community supervision to submit to  
8 treatment, specialized supervision, or rehabilitation according to  
9 offense-specific standards of practice adopted by the Council on  
10 Sex Offender Treatment. On a finding that the defendant is  
11 financially able to make payment, the judge shall require the  
12 defendant to pay all or part of the reasonable and necessary costs  
13 of the treatment, supervision, or rehabilitation. (Code Crim.  
14 Proc., Art. [42.12](#), Sec. 11(i).)

15 Art. 42A.453. CHILD SAFETY ZONE. (a) In this article,  
16 "playground," "premises," "school," "video arcade facility," and  
17 "youth center" have the meanings assigned by Section [481.134](#),  
18 Health and Safety Code.

19 (b) This article applies to a defendant placed on community  
20 supervision for an offense under:

21 (1) Section [20.04](#)(a)(4), Penal Code, if the defendant  
22 committed the offense with the intent to violate or abuse the victim  
23 sexually;

24 (2) Section [20A.02](#), Penal Code, if the defendant:

25 (A) trafficked the victim with the intent or  
26 knowledge that the victim would engage in sexual conduct, as  
27 defined by Section [43.25](#), Penal Code; or

1 (B) benefited from participating in a venture  
2 that involved a trafficked victim engaging in sexual conduct, as  
3 defined by Section 43.25, Penal Code;

4 (3) Section 21.08, 21.11, 22.011, 22.021, or 25.02,  
5 Penal Code;

6 (4) Section 30.02, Penal Code, punishable under  
7 Subsection (d) of that section, if the defendant committed the  
8 offense with the intent to commit a felony listed in Subdivision (1)  
9 or (3); or

10 (5) Section 43.05(a)(2), 43.25, or 43.26, Penal Code.

11 (c) If a judge grants community supervision to a defendant  
12 described by Subsection (b) and the judge determines that a child as  
13 defined by Section 22.011(c), Penal Code, was the victim of the  
14 offense, the judge shall establish a child safety zone applicable  
15 to the defendant by requiring as a condition of community  
16 supervision that the defendant:

17 (1) not:

18 (A) supervise or participate in any program that:

19 (i) includes as participants or recipients  
20 persons who are 17 years of age or younger; and

21 (ii) regularly provides athletic, civic, or  
22 cultural activities; or

23 (B) go in, on, or within 1,000 feet of a premises  
24 where children commonly gather, including a school, day-care  
25 facility, playground, public or private youth center, public  
26 swimming pool, or video arcade facility; and

27 (2) attend psychological counseling sessions for sex

1 offenders with an individual or organization that provides sex  
2 offender treatment or counseling as specified or approved by the  
3 judge or the defendant's supervision officer.

4 (d) Notwithstanding Subsection (c)(1), a judge is not  
5 required to impose the conditions described by Subsection (c)(1) if  
6 the defendant is a student at a primary or secondary school.

7 (e) At any time after the imposition of a condition under  
8 Subsection (c)(1), the defendant may request the court to modify  
9 the child safety zone applicable to the defendant because the zone  
10 as created by the court:

11 (1) interferes with the defendant's ability to attend  
12 school or hold a job and consequently constitutes an undue hardship  
13 for the defendant; or

14 (2) is broader than is necessary to protect the  
15 public, given the nature and circumstances of the offense.

16 (f) A supervision officer for a defendant described by  
17 Subsection (b) may permit the defendant to enter on an  
18 event-by-event basis into the child safety zone from which the  
19 defendant is otherwise prohibited from entering if:

20 (1) the defendant has served at least two years of the  
21 period of community supervision;

22 (2) the defendant enters the zone as part of a program  
23 to reunite with the defendant's family;

24 (3) the defendant presents to the supervision officer  
25 a written proposal specifying where the defendant intends to go  
26 within the zone, why and with whom the defendant is going, and how  
27 the defendant intends to cope with any stressful situations that



1 occur;

2 (4) the sex offender treatment provider treating the  
3 defendant agrees with the supervision officer that the defendant  
4 should be allowed to attend the event; and

5 (5) the supervision officer and the treatment provider  
6 agree on a chaperon to accompany the defendant and the chaperon  
7 agrees to perform that duty.

8 (g) Article 42A.051(b) does not prohibit a supervision  
9 officer from modifying a condition of community supervision by  
10 permitting a defendant to enter a child safety zone under  
11 Subsection (f).

12 (h) Notwithstanding Subsection (c)(1)(B), a requirement  
13 that a defendant not go in, on, or within 1,000 feet of certain  
14 premises does not apply to a defendant while the defendant is in or  
15 going immediately to or from a:

16 (1) community supervision and corrections department  
17 office;

18 (2) premises at which the defendant is participating  
19 in a program or activity required as a condition of community  
20 supervision;

21 (3) residential facility in which the defendant is  
22 required to reside as a condition of community supervision, if the  
23 facility was in operation as a residence for defendants on  
24 community supervision on June 1, 2003; or

25 (4) private residence at which the defendant is  
26 required to reside as a condition of community supervision.

27 (i) A supervision officer who under Subsection (c)(2)

1 specifies a sex offender treatment provider to provide counseling  
2 to a defendant shall:

3 (1) contact the provider before the defendant is  
4 released;

5 (2) establish the date, time, and place of the first  
6 session between the defendant and the provider; and

7 (3) request the provider to immediately notify the  
8 supervision officer if the defendant fails to attend the first  
9 session or any subsequent scheduled session. (Code Crim. Proc.,  
10 Art. [42.12](#), Sec. 13B.)

11 Art. 42A.454. CERTAIN INTERNET ACTIVITY PROHIBITED. (a)  
12 This article applies only to a defendant who is required to register  
13 as a sex offender under Chapter 62, by court order or otherwise,  
14 and:

15 (1) is convicted of or receives a grant of deferred  
16 adjudication community supervision for a violation of Section  
17 [21.11](#), [22.011\(a\)\(2\)](#), [22.021\(a\)\(1\)\(B\)](#), [33.021](#), or [43.25](#), Penal  
18 Code;

19 (2) used the Internet or any other type of electronic  
20 device used for Internet access to commit the offense or engage in  
21 the conduct for which the person is required to register under  
22 Chapter 62; or

23 (3) is assigned a numeric risk level of three based on  
24 an assessment conducted under Article 62.007.

25 (b) If the court grants community supervision to a defendant  
26 described by Subsection (a), the court as a condition of community  
27 supervision shall prohibit the defendant from using the Internet

1 to:

2 (1) access material that is obscene, as defined by  
3 Section 43.21, Penal Code;

4 (2) access a commercial social networking site, as  
5 defined by Article 62.0061(f);

6 (3) communicate with any individual concerning sexual  
7 relations with an individual who is younger than 17 years of age; or

8 (4) communicate with another individual the defendant  
9 knows is younger than 17 years of age.

10 (c) The court may modify at any time the condition described  
11 by Subsection (b)(4) if:

12 (1) the condition interferes with the defendant's  
13 ability to attend school or become or remain employed and  
14 consequently constitutes an undue hardship for the defendant; or

15 (2) the defendant is the parent or guardian of an  
16 individual who is younger than 17 years of age and the defendant is  
17 not otherwise prohibited from communicating with that individual.  
18 (Code Crim. Proc., Art. 42.12, Sec. 13G.)

19 Art. 42A.455. PAYMENT TO CHILDREN'S ADVOCACY CENTER. A  
20 judge who grants community supervision to a defendant charged with  
21 or convicted of an offense under Section 21.11 or 22.011(a)(2),  
22 Penal Code, may require the defendant to make one payment in an  
23 amount not to exceed \$50 to a children's advocacy center  
24 established under Subchapter E, Chapter 264, Family Code. (Code  
25 Crim. Proc., Art. 42.12, Sec. 11(g).)

1 SUBCHAPTER K. CONDITIONS APPLICABLE TO CERTAIN OTHER OFFENSES AND  
2 OFFENDERS

3 Art. 42A.501. COMMUNITY SUPERVISION FOR OFFENSE COMMITTED  
4 BECAUSE OF BIAS OR PREJUDICE. (a) A court granting community  
5 supervision to a defendant convicted of an offense for which the  
6 court has made an affirmative finding under Article 42.014 shall  
7 require as a term of community supervision that the defendant:

8 (1) serve a term of not more than one year imprisonment  
9 in the Texas Department of Criminal Justice if the offense is a  
10 felony other than an offense under Section 19.02, Penal Code; or

11 (2) serve a term of not more than 90 days confinement  
12 in jail if the offense is a misdemeanor.

13 (b) The court may not grant community supervision on its own  
14 motion or on the recommendation of the jury to a defendant convicted  
15 of an offense for which the court has made an affirmative finding  
16 under Article 42.014 if:

17 (1) the offense for which the court has made the  
18 affirmative finding is an offense under Section 19.02, Penal Code;  
19 or

20 (2) the defendant has been previously convicted of an  
21 offense for which the court made an affirmative finding under  
22 Article 42.014. (Code Crim. Proc., Art. 42.12, Sec. 13A.)

23 Art. 42A.502. COMMUNITY SUPERVISION FOR CERTAIN VIOLENT  
24 OFFENSES; CHILD SAFETY ZONE. (a) In this article, "playground,"  
25 "premises," "school," "video arcade facility," and "youth center"  
26 have the meanings assigned by Section 481.134, Health and Safety  
27 Code.

1           (b) A judge granting community supervision to a defendant  
2 convicted of an offense listed in Article 42A.054(a) or for which  
3 the judgment contains an affirmative finding under Article  
4 42A.054(c) or (d) may establish a child safety zone applicable to  
5 the defendant, if the nature of the offense for which the defendant  
6 is convicted warrants the establishment of a child safety zone, by  
7 requiring as a condition of community supervision that the  
8 defendant not:

9           (1) supervise or participate in any program that:

10                   (A) includes as participants or recipients  
11 persons who are 17 years of age or younger; and

12                   (B) regularly provides athletic, civic, or  
13 cultural activities; or

14           (2) go in or on, or within a distance specified by the  
15 judge of, a premises where children commonly gather, including a  
16 school, day-care facility, playground, public or private youth  
17 center, public swimming pool, or video arcade facility.

18           (c) At any time after the imposition of a condition under  
19 Subsection (b), the defendant may request the judge to modify the  
20 child safety zone applicable to the defendant because the zone as  
21 created by the judge:

22                   (1) interferes with the defendant's ability to attend  
23 school or hold a job and consequently constitutes an undue hardship  
24 for the defendant; or

25                   (2) is broader than is necessary to protect the  
26 public, given the nature and circumstances of the offense.

27           (d) This article does not apply to a defendant described by

1 Article 42A.453. (Code Crim. Proc., Art. [42.12](#), Sec. 13D.)

2 Art. 42A.503. COMMUNITY SUPERVISION FOR CERTAIN CHILD ABUSE  
3 OFFENSES; PROHIBITED CONTACT WITH VICTIM. (a) If the court grants  
4 community supervision to a defendant convicted of an offense  
5 described by Article 17.41(a), the court may require as a condition  
6 of community supervision that the defendant not:

7 (1) directly communicate with the victim of the  
8 offense; or

9 (2) go near a residence, school, or other location, as  
10 specifically described in the copy of terms and conditions, that is  
11 frequented by the victim.

12 (b) In imposing the condition under Subsection (a), the  
13 court may grant the defendant supervised access to the victim.

14 (c) To the extent that a condition imposed under this  
15 article conflicts with an existing court order granting possession  
16 of or access to a child, the condition imposed under this article  
17 prevails for a period specified by the court granting community  
18 supervision, not to exceed 90 days. (Code Crim. Proc., Art. [42.12](#),  
19 Sec. 14(a), as amended Acts 73rd Leg., R.S., Ch. 165 (H.B. 119),  
20 Acts 76th Leg., R.S., Ch. 910 (H.B. 2187), Acts 78th Leg., R.S., Ch.  
21 353 (S.B. 1054), Acts 80th Leg., R.S., Ch. 113 (S.B. 44).)

22 Art. 42A.504. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES  
23 INVOLVING FAMILY VIOLENCE; SPECIAL CONDITIONS. (a) In this  
24 article:

25 (1) "Family violence" has the meaning assigned by  
26 Section [71.004](#), Family Code.

27 (2) "Family violence center" has the meaning assigned

1 by Section 51.002, Human Resources Code.

2 (b) If a judge grants community supervision to a defendant  
3 convicted of an offense under Title 5, Penal Code, that the court  
4 determines involves family violence, the judge shall require the  
5 defendant to pay \$100 to a family violence center that:

- 6 (1) receives state or federal funds; and
- 7 (2) serves the county in which the court is located.

8 (c) If the court grants community supervision to a defendant  
9 convicted of an offense involving family violence, the court may  
10 require the defendant, at the direction of the supervision officer,  
11 to:

12 (1) attend a battering intervention and prevention  
13 program or counsel with a provider of battering intervention and  
14 prevention services if the program or provider has been accredited  
15 under Section 4A, Article 42.141, as conforming to program  
16 guidelines under that article; or

17 (2) if the referral option under Subdivision (1) is  
18 not available, attend counseling sessions for the elimination of  
19 violent behavior with a licensed counselor, social worker, or other  
20 professional who has completed family violence intervention  
21 training that the community justice assistance division of the  
22 Texas Department of Criminal Justice has approved, after  
23 consultation with the licensing authorities described by Chapters  
24 152, 501, 502, 503, and 505, Occupations Code, and experts in the  
25 field of family violence.

26 (d) If the court requires the defendant to attend counseling  
27 or a program, the court shall require the defendant to begin

1 attendance not later than the 60th day after the date the court  
2 grants community supervision, notify the supervision officer of the  
3 name, address, and phone number of the counselor or program, and  
4 report the defendant's attendance to the supervision officer. The  
5 court shall require the defendant to pay all the reasonable costs of  
6 the counseling sessions or attendance in the program on a finding  
7 that the defendant is financially able to make payment. If the  
8 court finds the defendant is unable to make payment, the court shall  
9 make the counseling sessions or enrollment in the program available  
10 without cost to the defendant. The court may also require the  
11 defendant to pay all or a part of the reasonable costs incurred by  
12 the victim for counseling made necessary by the offense, on a  
13 finding that the defendant is financially able to make payment. The  
14 court may order the defendant to make payments under this  
15 subsection for a period not to exceed one year after the date on  
16 which the order is entered. (Code Crim. Proc., Art. [42.12](#), Sec.  
17 11(h); Secs. 14(c), (c-1), (c-2), as amended Acts 73rd Leg., R.S.,  
18 Ch. 165 (H.B. 119), Acts 76th Leg., R.S., Ch. 910 (H.B. 2187), Acts  
19 78th Leg., R.S., Ch. 353 (S.B. 1054), Acts 80th Leg., R.S., Ch. 113  
20 (S.B. 44).)

21 Art. 42A.505. COMMUNITY SUPERVISION FOR STALKING OFFENSE;  
22 PROHIBITED CONTACT WITH VICTIM. (a) If the court grants community  
23 supervision to a defendant convicted of an offense under Section  
24 [42.072](#), Penal Code, the court may require as a condition of  
25 community supervision that the defendant not:

26 (1) communicate directly or indirectly with the  
27 victim; or



1           (2) go to or near:

2                   (A) the residence, place of employment, or  
3 business of the victim; or

4                   (B) a school, day-care facility, or similar  
5 facility where a dependent child of the victim is in attendance.

6           (b) If the court requires the prohibition contained in  
7 Subsection (a)(2) as a condition of community supervision, the  
8 court shall specifically describe the prohibited locations and the  
9 minimum distances, if any, that the defendant must maintain from  
10 the locations. (Code Crim. Proc., Art. 42.12, Sec. 11(1).)

11           Art. 42A.506. COMMUNITY SUPERVISION FOR DEFENDANT WITH  
12 MENTAL IMPAIRMENT. If the judge places a defendant on community  
13 supervision and the defendant is determined to be a person with  
14 mental illness or a person with an intellectual disability, as  
15 provided by Article 16.22 or Chapter 46B or in a psychological  
16 evaluation conducted under Article 42A.253(a)(6), the judge may  
17 require the defendant as a condition of community supervision to  
18 submit to outpatient or inpatient mental health or intellectual  
19 disability treatment if:

20                   (1) the defendant's:

21                           (A) mental impairment is chronic in nature; or

22                           (B) ability to function independently will  
23 continue to deteriorate if the defendant does not receive mental  
24 health or intellectual disability services; and

25                   (2) the judge determines, in consultation with a local  
26 mental health or intellectual disability services provider, that  
27 mental health or intellectual disability services, as appropriate,

1 are available for the defendant through:

2 (A) the Department of State Health Services or  
3 the Department of Aging and Disability Services under Section  
4 534.053, Health and Safety Code; or

5 (B) another mental health or intellectual  
6 disability services provider. (Code Crim. Proc., Art. 42.12, Sec.  
7 11(d).)

8 Art. 42A.507. COMMUNITY SUPERVISION FOR CERTAIN DEFENDANTS  
9 IDENTIFIED AS MEMBERS OF CRIMINAL STREET GANGS; ELECTRONIC  
10 MONITORING. (a) This article applies only to a defendant who:

11 (1) is identified as a member of a criminal street gang  
12 in an intelligence database established under Chapter 61; and

13 (2) has two or more times been previously convicted  
14 of, or received a grant of deferred adjudication community  
15 supervision or another functionally equivalent form of community  
16 supervision or probation for, a felony offense under the laws of  
17 this state, another state, or the United States.

18 (b) A court granting community supervision to a defendant  
19 described by Subsection (a) may, on the defendant's conviction of a  
20 felony offense, require as a condition of community supervision  
21 that the defendant submit to tracking under an electronic  
22 monitoring service or other appropriate technological service  
23 designed to track a person's location. (Code Crim. Proc., Art.  
24 42.12, Sec. 13E.)

25 Art. 42A.508. COMMUNITY SUPERVISION FOR CERTAIN ORGANIZED  
26 CRIME OFFENSES; RESTRICTIONS ON OPERATION OF MOTOR VEHICLE. A  
27 court granting community supervision to a defendant convicted of an

1 offense under Chapter 71, Penal Code, may impose as a condition of  
2 community supervision restrictions on the defendant's operation of  
3 a motor vehicle, including specifying:

4 (1) hours during which the defendant may not operate a  
5 motor vehicle; and

6 (2) locations at or in which the defendant may not  
7 operate a motor vehicle. (Code Crim. Proc., Art. 42.12, Sec. 13F.)

8 Art. 42A.509. COMMUNITY SUPERVISION FOR GRAFFITI OFFENSE.

9 A court granting community supervision to a defendant convicted of  
10 an offense under Section 28.08, Penal Code, shall require as a  
11 condition of community supervision that the defendant perform:

12 (1) at least 15 hours of community service if the  
13 amount of pecuniary loss resulting from the commission of the  
14 offense is \$50 or more but less than \$500; or

15 (2) at least 30 hours of community service if the  
16 amount of pecuniary loss resulting from the commission of the  
17 offense is \$500 or more. (Code Crim. Proc., Art. 42.12, Sec.  
18 11(k).)

19 Art. 42A.510. COMMUNITY SUPERVISION FOR ENHANCED  
20 DISORDERLY CONDUCT OFFENSE. (a) On conviction of an offense  
21 punishable as a Class C misdemeanor under Section 42.01, Penal  
22 Code, for which punishment is enhanced under Section 12.43(c),  
23 Penal Code, based on previous convictions under Section 42.01 or  
24 49.02, Penal Code, the court may suspend the imposition of the  
25 sentence and place the defendant on community supervision if the  
26 court finds that the defendant would benefit from community  
27 supervision and enters its finding on the record. The judge may

1 suspend in whole or in part the imposition of any fine imposed on  
2 conviction.

3 (b) All provisions of this chapter applying to a defendant  
4 placed on community supervision for a misdemeanor apply to a  
5 defendant placed on community supervision under this article,  
6 except that the court shall require the defendant as a condition of  
7 community supervision to:

8 (1) submit to diagnostic testing for addiction to  
9 alcohol or a controlled substance or drug;

10 (2) submit to a psychological assessment;

11 (3) if indicated as necessary by testing and  
12 assessment, participate in an alcohol or drug abuse treatment or  
13 education program; and

14 (4) pay the costs of testing, assessment, and  
15 treatment or education, either directly or as a court cost. (Code  
16 Crim. Proc., Art. 42.12, Sec. 15A.)

17 Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES  
18 INVOLVING ANIMALS. If a judge grants community supervision to a  
19 defendant convicted of an offense under Section 42.09, 42.091,  
20 42.092, or 42.10, Penal Code, the judge may require the defendant to  
21 attend a responsible pet owner course sponsored by a municipal  
22 animal shelter, as defined by Section 823.001, Health and Safety  
23 Code, that:

24 (1) receives federal, state, county, or municipal  
25 funds; and

26 (2) serves the county in which the court is located.

27 (Code Crim. Proc., Art. 42.12, Sec. 11(m).)

1           Art. 42A.512. COMMUNITY SUPERVISION FOR ELECTRONIC  
2 TRANSMISSION OF CERTAIN VISUAL MATERIAL. (a) In this article,  
3 "parent" means a natural or adoptive parent, managing or possessory  
4 conservator, or legal guardian. The term does not include a parent  
5 whose parental rights have been terminated.

6           (b) If a judge grants community supervision to a defendant  
7 who is convicted of or charged with an offense under Section 43.261,  
8 Penal Code, the judge may require as a condition of community  
9 supervision that the defendant attend and successfully complete an  
10 educational program described by Section 37.218, Education Code, or  
11 another equivalent educational program.

12           (c) The court shall require the defendant or the defendant's  
13 parent to pay the cost of attending an educational program under  
14 Subsection (b) if the court determines that the defendant or the  
15 defendant's parent is financially able to make payment. (Code  
16 Crim. Proc., Art. 42.12, Sec. 13H.)

17           Art. 42A.513. COMMUNITY SUPERVISION FOR MAKING FIREARM  
18 ACCESSIBLE TO CHILD. (a) A court granting community supervision to  
19 a defendant convicted of an offense under Section 46.13, Penal  
20 Code, may require as a condition of community supervision that the  
21 defendant:

22                   (1) provide an appropriate public service activity  
23 designated by the court; or

24                   (2) attend a firearms safety course that meets or  
25 exceeds the requirements set by the National Rifle Association as  
26 of January 1, 1995, for a firearms safety course that requires not  
27 more than 17 hours of instruction.

1 (b) The court shall require the defendant to pay the cost of  
2 attending the firearms safety course under Subsection (a)(2).  
3 (Code Crim. Proc., Art. 42.12, Sec. 13C.)

4 SUBCHAPTER L. STATE JAIL FELONY COMMUNITY SUPERVISION

5 Art. 42A.551. PLACEMENT ON COMMUNITY SUPERVISION;  
6 EXECUTION OF SENTENCE. (a) Except as otherwise provided by  
7 Subsection (b) or (c), on conviction of a state jail felony under  
8 Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3),  
9 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is  
10 punished under Section 12.35(a), Penal Code, the judge shall  
11 suspend the imposition of the sentence and place the defendant on  
12 community supervision.

13 (b) If the defendant has been previously convicted of a  
14 felony, other than a felony punished under Section 12.44(a), Penal  
15 Code, or if the conviction resulted from an adjudication of the  
16 guilt of a defendant previously placed on deferred adjudication  
17 community supervision for the offense, the judge may:

18 (1) suspend the imposition of the sentence and place  
19 the defendant on community supervision; or

20 (2) order the sentence to be executed.

21 (c) Subsection (a) does not apply to a defendant who:

22 (1) under Section 481.1151(b)(1), Health and Safety  
23 Code, possessed more than five abuse units of the controlled  
24 substance;

25 (2) under Section 481.1161(b)(3), Health and Safety  
26 Code, possessed more than one pound, by aggregate weight, including  
27 adulterants or dilutants, of the controlled substance; or

1           (3) under Section 481.121(b)(3), Health and Safety  
2 Code, possessed more than one pound of marihuana.

3           (d) On conviction of a state jail felony punished under  
4 Section 12.35(a), Penal Code, other than a state jail felony listed  
5 in Subsection (a), subject to Subsection (e), the judge may:

6           (1) suspend the imposition of the sentence and place  
7 the defendant on community supervision; or

8           (2) order the sentence to be executed:

9           (A) in whole; or

10           (B) in part, with a period of community  
11 supervision to begin immediately on release of the defendant from  
12 confinement.

13           (e) In any case in which the jury assesses punishment, the  
14 judge must follow the recommendations of the jury in suspending the  
15 imposition of a sentence or ordering a sentence to be executed. If  
16 a jury assessing punishment does not recommend community  
17 supervision, the judge must order the sentence to be executed in  
18 whole.

19           (f) A defendant is considered to be finally convicted if the  
20 judge orders the sentence to be executed under Subsection (d)(2),  
21 regardless of whether the judge orders the sentence to be executed  
22 in whole or only in part.

23           (g) The judge may suspend in whole or in part the imposition  
24 of any fine imposed on conviction. (Code Crim. Proc., Art. 42.12,  
25 Sec. 15(a).)

26           Art. 42A.552. REVIEW OF PRESENTENCE REPORT. Before  
27 imposing a sentence in a state jail felony case in which the judge

1 assesses punishment, the judge shall:

2 (1) review the presentence report prepared for the  
3 defendant under Subchapter F; and

4 (2) determine whether the best interests of justice  
5 require the judge to:

6 (A) suspend the imposition of the sentence and  
7 place the defendant on community supervision; or

8 (B) order the sentence to be executed in whole or  
9 in part as provided by Article 42A.551(d). (Code Crim. Proc., Art.  
10 [42.12](#), Sec. 15(c)(1) (part).)

11 Art. 42A.553. MINIMUM AND MAXIMUM PERIODS OF COMMUNITY  
12 SUPERVISION; EXTENSION. (a) The minimum period of community  
13 supervision a judge may impose under this subchapter is two years.  
14 The maximum period of community supervision a judge may impose  
15 under this subchapter is five years, except that the judge may  
16 extend the maximum period of community supervision under this  
17 subchapter to not more than 10 years.

18 (b) A judge may extend a period of community supervision  
19 under this subchapter:

20 (1) at any time during the period of community  
21 supervision; or

22 (2) before the first anniversary of the date the  
23 period of community supervision ends, if a motion for revocation of  
24 community supervision is filed before the date the period of  
25 community supervision ends. (Code Crim. Proc., Art. [42.12](#), Sec.  
26 15(b).)

27 Art. 42A.554. CONDITIONS OF COMMUNITY SUPERVISION. (a) A



1 judge assessing punishment in a state jail felony case may impose  
2 any condition of community supervision on the defendant that the  
3 judge could impose on a defendant placed on supervision for an  
4 offense other than a state jail felony.

5 (b) If the judge suspends the execution of the sentence or  
6 orders the execution of the sentence only in part as provided by  
7 Article 42A.551(d), the judge shall impose conditions of community  
8 supervision consistent with the recommendations contained in the  
9 presentence report prepared for the defendant under Subchapter F.

10 (c) Except as otherwise provided by this subsection, a judge  
11 who places a defendant on community supervision for an offense  
12 listed in Article 42A.551(a) shall require the defendant to comply  
13 with substance abuse treatment conditions that are consistent with  
14 standards adopted by the Texas Board of Criminal Justice under  
15 Section 509.015, Government Code. A judge is not required to impose  
16 the substance abuse treatment conditions if the judge makes an  
17 affirmative finding that the defendant does not require imposition  
18 of the conditions to successfully complete the period of community  
19 supervision. (Code Crim. Proc., Art. 42.12, Secs. 15(c)(1) (part),  
20 (2), (3).)

21 Art. 42A.555. CONFINEMENT AS A CONDITION OF COMMUNITY  
22 SUPERVISION. (a) A judge assessing punishment in a state jail  
23 felony case may impose as a condition of community supervision that  
24 a defendant submit at the beginning of the period of community  
25 supervision to a term of confinement in a state jail felony facility  
26 for a term of:

27 (1) not less than 90 days or more than 180 days; or

1           (2) not less than 90 days or more than one year, if the  
2 defendant is convicted of an offense punishable as a state jail  
3 felony under Section [481.112](#), [481.1121](#), [481.113](#), or [481.120](#), Health  
4 and Safety Code.

5           (b) A judge may not require a defendant to submit to both the  
6 term of confinement authorized by this article and a term of  
7 confinement under Subchapter C or Article 42A.302. (Code Crim.  
8 Proc., Art. [42.12](#), Secs. 15(c)(1) (part), (d) (part).)

9           Art. 42A.556. SANCTIONS IMPOSED ON MODIFICATION OF  
10 COMMUNITY SUPERVISION. If in a state jail felony case a defendant  
11 violates a condition of community supervision imposed under this  
12 chapter and after a hearing under Article 42A.751(d) the judge  
13 modifies the defendant's community supervision, the judge may  
14 impose any sanction permitted by Article 42A.752, except that if  
15 the judge requires a defendant to serve a term of confinement in a  
16 state jail felony facility as a modification of the defendant's  
17 community supervision, the minimum term of confinement is 90 days  
18 and the maximum term of confinement is 180 days. (Code Crim. Proc.,  
19 Art. [42.12](#), Sec. 15(e).)

20           Art. 42A.557. REPORT BY DIRECTOR OF FACILITY. The facility  
21 director of a state jail felony facility shall report to a judge who  
22 orders a defendant confined in the facility as a condition of  
23 community supervision or as a sanction imposed on a modification of  
24 community supervision under Article 42A.556 not less than every 90  
25 days on the defendant's programmatic progress, conduct, and  
26 conformity to the rules of the facility. (Code Crim. Proc., Art.  
27 [42.12](#), Sec. 15(g).)

1           Art. 42A.558. REVOCATION; OPTIONS REGARDING EXECUTION OF  
2 SENTENCE. (a) If in a state jail felony case a defendant violates a  
3 condition of community supervision imposed under this chapter and  
4 after a hearing under Article 42A.751(d) the judge revokes the  
5 defendant's community supervision, the judge shall dispose of the  
6 case in the manner provided by Article 42A.755.

7           (b) The court retains jurisdiction over the defendant for  
8 the period during which the defendant is confined in a state jail  
9 felony facility. At any time after the 75th day after the date the  
10 defendant is received into the custody of a state jail felony  
11 facility, the judge on the judge's own motion, on the motion of the  
12 attorney representing the state, or on the motion of the defendant  
13 may suspend further execution of the sentence and place the  
14 defendant on community supervision under the conditions of this  
15 subchapter.

16           (c) When the defendant or the attorney representing the  
17 state files a written motion requesting the judge to suspend  
18 further execution of the sentence and place the defendant on  
19 community supervision, the clerk of the court, if requested to do so  
20 by the judge, shall request a copy of the defendant's record while  
21 confined from the facility director of the state jail felony  
22 facility in which the defendant is confined or, if the defendant is  
23 confined in county jail, from the sheriff. On receipt of the  
24 request, the facility director or the sheriff shall forward a copy  
25 of the record to the judge as soon as possible.

26           (d) When the defendant files a written motion requesting the  
27 judge to suspend further execution of the sentence and place the

1 defendant on community supervision, the defendant shall  
2 immediately deliver or cause to be delivered a copy of the motion to  
3 the office of the attorney representing the state. The judge may  
4 deny the motion without holding a hearing but may not grant the  
5 motion without holding a hearing and providing the attorney  
6 representing the state and the defendant the opportunity to present  
7 evidence on the motion. (Code Crim. Proc., Art. 42.12, Sec. 15(f).)

8 Art. 42A.559. CREDITS FOR TIME SERVED. (a) For purposes of  
9 this article, "diligent participation" includes:

10 (1) successful completion of an educational,  
11 vocational, or treatment program;

12 (2) progress toward successful completion of an  
13 educational, vocational, or treatment program that was interrupted  
14 by illness, injury, or another circumstance outside the control of  
15 the defendant; and

16 (3) active involvement in a work program.

17 (b) A defendant confined in a state jail felony facility  
18 does not earn good conduct time for time served in the facility but  
19 may be awarded diligent participation credit in accordance with  
20 Subsection (f).

21 (c) A judge:

22 (1) may credit against any time a defendant is  
23 required to serve in a state jail felony facility time served in a  
24 county jail from the time of the defendant's arrest and confinement  
25 until sentencing by the trial court; and

26 (2) shall credit against any time a defendant is  
27 required to serve in a state jail felony facility time served before

1 sentencing in a substance abuse felony punishment facility operated  
2 by the Texas Department of Criminal Justice under Section 493.009,  
3 Government Code, or other court-ordered residential program or  
4 facility as a condition of deferred adjudication community  
5 supervision, but only if the defendant successfully completes the  
6 treatment program in that facility.

7 (d) A judge shall credit against any time a defendant is  
8 subsequently required to serve in a state jail felony facility  
9 after revocation of community supervision time served after  
10 sentencing:

11 (1) in a state jail felony facility; or

12 (2) in a substance abuse felony punishment facility  
13 operated by the Texas Department of Criminal Justice under Section  
14 493.009, Government Code, or other court-ordered residential  
15 program or facility if the defendant successfully completes the  
16 treatment program in that facility.

17 (e) For a defendant who has participated in an educational,  
18 vocational, treatment, or work program while confined in a state  
19 jail felony facility, not later than the 30th day before the date on  
20 which the defendant will have served 80 percent of the defendant's  
21 sentence, the Texas Department of Criminal Justice shall report to  
22 the sentencing court the number of days during which the defendant  
23 diligently participated in any educational, vocational, treatment,  
24 or work program. The contents of a report submitted under this  
25 subsection are not subject to challenge by a defendant.

26 (f) A judge, based on the report received under Subsection  
27 (e), may credit against any time a defendant is required to serve in

1 a state jail felony facility additional time for each day the  
2 defendant actually served in the facility while diligently  
3 participating in an educational, vocational, treatment, or work  
4 program. A time credit under this subsection may not exceed  
5 one-fifth of the amount of time the defendant is originally  
6 required to serve in the facility. A defendant may not be awarded a  
7 time credit under this subsection for any period during which the  
8 defendant is subject to disciplinary action. A time credit under  
9 this subsection is a privilege and not a right. (Code Crim. Proc.,  
10 Art. [42.12](#), Sec. 15(h).)

11 Art. 42A.560. MEDICAL RELEASE. (a) If a defendant is  
12 convicted of a state jail felony and the sentence is executed, the  
13 judge sentencing the defendant may release the defendant to a  
14 medically suitable placement if the judge determines that the  
15 defendant does not constitute a threat to public safety and the  
16 Texas Correctional Office on Offenders with Medical or Mental  
17 Impairments:

18 (1) in coordination with the Correctional Managed  
19 Health Care Committee, prepares a case summary and medical report  
20 that identifies the defendant as:

21 (A) being a person who is elderly or terminally  
22 ill or a person with a physical disability;

23 (B) being a person with mental illness or an  
24 intellectual disability; or

25 (C) having a condition requiring long-term care;  
26 and

27 (2) in cooperation with the community supervision and

1 corrections department serving the sentencing court, prepares for  
2 the defendant a medically recommended intensive supervision and  
3 continuity of care plan that:

4 (A) ensures appropriate supervision of the  
5 defendant by the community supervision and corrections department;  
6 and

7 (B) requires the defendant to remain under the  
8 care of a physician at and reside in a medically suitable placement.

9 (b) The Texas Correctional Office on Offenders with Medical  
10 or Mental Impairments shall submit to a judge who releases a  
11 defendant to an appropriate medical care facility under Subsection  
12 (a) a quarterly status report concerning the defendant's medical  
13 and treatment status.

14 (c) If a defendant released to a medically suitable  
15 placement under Subsection (a) violates the terms of that release,  
16 the judge may dispose of the matter as provided by Articles 42A.556  
17 and 42A.558(a). (Code Crim. Proc., Art. [42.12](#), Secs. 15(i), as  
18 added Acts 80th Leg., R.S., Ch. 1308, (j), as added Acts 80th Leg.,  
19 R.S., Ch. 1308, (k).)

20 Art. 42A.561. MEDICAL RELEASE. (a) If a defendant is  
21 convicted of a state jail felony and the sentence is executed, the  
22 judge sentencing the defendant may release the defendant to a  
23 medical care facility or medical treatment program if the Texas  
24 Correctional Office on Offenders with Medical or Mental  
25 Impairments:

26 (1) identifies the defendant as:

27 (A) being a person who is elderly or terminally

1 ill or a person with a physical disability;

2 (B) being a person with mental illness or an  
3 intellectual disability; or

4 (C) having a condition requiring long-term care;  
5 and

6 (2) in cooperation with the community supervision and  
7 corrections department serving the sentencing court, prepares for  
8 the defendant a medically recommended intensive supervision plan  
9 that:

10 (A) ensures appropriate supervision of the  
11 defendant; and

12 (B) requires the defendant to remain under the  
13 care of a physician at the facility or in the program.

14 (b) If a defendant released to a medical care facility or  
15 medical treatment program under Subsection (a) violates the terms  
16 of that release, the judge may dispose of the matter as provided by  
17 Articles 42A.556 and 42A.558(a). (Code Crim. Proc., Art. 42.12,  
18 Secs. 15(i), as added Acts 80th Leg., R.S., Ch. 617, (j), as added  
19 Acts 80th Leg., R.S., Ch. 617.)

20 SUBCHAPTER M. COMMUNITY CORRECTIONS FACILITIES

21 Art. 42A.601. DEFINITION. In this subchapter, "community  
22 corrections facility" has the meaning assigned by Section 509.001,  
23 Government Code. (Code Crim. Proc., Art. 42.12, Sec. 18(a).)

24 Art. 42A.602. MAXIMUM TERM OR TERMS OF CONFINEMENT. (a) If  
25 a judge requires as a condition of community supervision or  
26 participation in a drug court program established under Chapter  
27 123, Government Code, or former law that the defendant serve a term



1 of confinement in a community corrections facility, the term may  
2 not exceed 24 months.

3 (b) A judge who requires as a condition of community  
4 supervision that the defendant serve a term of confinement in a  
5 community corrections facility may not impose a subsequent term of  
6 confinement in a community corrections facility or jail during the  
7 same supervision period that, if added to the terms previously  
8 imposed, exceeds 36 months. (Code Crim. Proc., Art. [42.12](#), Secs.  
9 18(b), (h).)

10 Art. 42A.603. EFFECT OF REVOCATION ON CREDIT FOR TIME SPENT  
11 IN FACILITY. A defendant granted community supervision under this  
12 chapter and required as a condition of community supervision to  
13 serve a term of confinement under this subchapter may not earn good  
14 conduct credit for time spent in a community corrections facility  
15 or apply time spent in the facility toward completion of a prison  
16 sentence if the community supervision is revoked. (Code Crim.  
17 Proc., Art. [42.12](#), Sec. 18(c).)

18 Art. 42A.604. EVALUATION OF DEFENDANT'S BEHAVIOR AND  
19 ATTITUDE. (a) As directed by the judge, the community corrections  
20 facility director shall file with the community supervision and  
21 corrections department director or administrator of a drug court  
22 program, as applicable, a copy of an evaluation made by the facility  
23 director of the defendant's behavior and attitude at the facility.  
24 The community supervision and corrections department director or  
25 program administrator shall examine the evaluation, make written  
26 comments on the evaluation that the director or administrator  
27 considers relevant, and file the evaluation and comments with the

1 judge who granted community supervision to the defendant or placed  
2 the defendant in a drug court program. If the evaluation indicates  
3 that the defendant has made significant progress toward compliance  
4 with court-ordered conditions of community supervision or  
5 objectives of placement in the drug court program, as applicable,  
6 the judge may release the defendant from the community corrections  
7 facility. A defendant who served a term in the facility as a  
8 condition of community supervision shall serve the remainder of the  
9 defendant's community supervision under any terms and conditions  
10 the court imposes under this chapter.

11 (b) Not later than 18 months after the date on which a  
12 defendant is granted community supervision under this chapter and  
13 required as a condition of community supervision to serve a term of  
14 confinement under this subchapter, the community corrections  
15 facility director shall file with the community supervision and  
16 corrections department director a copy of an evaluation made by the  
17 facility director of the defendant's behavior and attitude at the  
18 facility. The community supervision and corrections department  
19 director shall examine the evaluation, make written comments on the  
20 evaluation that the director considers relevant, and file the  
21 evaluation and comments with the judge who granted community  
22 supervision to the defendant. If the report indicates that the  
23 defendant has made significant progress toward court-ordered  
24 conditions of community supervision, the judge shall modify the  
25 judge's sentence and release the defendant in the same manner as  
26 provided by Subsection (a). If the report indicates that the  
27 defendant would benefit from continued participation in the

1 community corrections facility program, the judge may order the  
2 defendant to remain at the community corrections facility for a  
3 period determined by the judge. If the report indicates that the  
4 defendant has not made significant progress toward rehabilitation,  
5 the judge may revoke community supervision and order the defendant  
6 to serve the term of confinement specified in the defendant's  
7 sentence. (Code Crim. Proc., Art. 42.12, Secs. 18(d), (e).)

8 Art. 42A.605. PLACEMENT IN COMMUNITY SERVICE PROJECT. If  
9 ordered by the judge who placed the defendant on community  
10 supervision, a community corrections facility director shall  
11 attempt to place a defendant as a worker in a community service  
12 project of a type described by Article 42A.304. (Code Crim. Proc.,  
13 Art. 42.12, Sec. 18(f).)

14 Art. 42A.606. CONFINEMENT REQUIRED; EXCEPTIONS. A  
15 defendant participating in a program under this subchapter must be  
16 confined in the community corrections facility at all times except  
17 for time spent:

- 18 (1) attending and traveling to and from:  
19 (A) an education or rehabilitation program as  
20 ordered by the court; or  
21 (B) a community service project;  
22 (2) away from the facility for purposes described by  
23 this subchapter; and  
24 (3) traveling to and from work, if applicable. (Code  
25 Crim. Proc., Art. 42.12, Sec. 18(g).)

26 Art. 42A.607. DISPOSITION OF SALARY. If a defendant who is  
27 required as a condition of community supervision to serve a term of

1 confinement under this subchapter is not required by the judge to  
2 deliver the defendant's salary to the restitution center director,  
3 the employer of the defendant shall deliver the salary to the  
4 director. The director shall deposit the salary into a fund to be  
5 given to the defendant on release after the director deducts:

6 (1) the cost to the center for the defendant's food,  
7 housing, and supervision;

8 (2) the necessary expense for the defendant's travel  
9 to and from work and community service projects, and other  
10 incidental expenses of the defendant;

11 (3) support of the defendant's dependents; and

12 (4) restitution to the victims of an offense committed  
13 by the defendant. (Code Crim. Proc., Art. 42.12, Sec. 18(i).)

14 SUBCHAPTER N. PAYMENTS; FEES

15 Art. 42A.651. PAYMENT AS CONDITION OF COMMUNITY  
16 SUPERVISION. (a) A judge may not order a defendant to make a  
17 payment as a term or condition of community supervision, except  
18 for:

19 (1) the payment of fines, court costs, or restitution  
20 to the victim; or

21 (2) a payment ordered as a condition that relates  
22 personally to the rehabilitation of the defendant or that is  
23 otherwise expressly authorized by law.

24 (b) A defendant's obligation to pay a fine or court cost as  
25 ordered by a judge is independent of any requirement to pay the fine  
26 or court cost as a condition of the defendant's community  
27 supervision. A defendant remains obligated to pay any unpaid fine

1 or court cost after the expiration of the defendant's period of  
2 community supervision. (Code Crim. Proc., Art. 42.12, Secs. 11(b)  
3 (part), (b-1).)

4 Art. 42A.652. MONTHLY FEE. (a) Except as otherwise  
5 provided by this article, a judge who grants community supervision  
6 to a defendant shall set a fee of not less than \$25 and not more than  
7 \$60 to be paid each month during the period of community supervision  
8 by the defendant to:

9 (1) the court of original jurisdiction; or

10 (2) the court accepting jurisdiction of the  
11 defendant's case, if jurisdiction is transferred under Article  
12 42A.151.

13 (b) The judge may make payment of the monthly fee a  
14 condition of granting or continuing the community supervision. The  
15 judge may waive or reduce the fee or suspend a monthly payment of  
16 the fee if the judge determines that payment of the fee would cause  
17 the defendant a significant financial hardship.

18 (c) A court accepting jurisdiction of a defendant's case  
19 under Article 42A.151 shall enter an order directing the defendant  
20 to pay the monthly fee to that court instead of to the court of  
21 original jurisdiction. To the extent of any conflict between an  
22 order issued under this subsection and an order issued by a court of  
23 original jurisdiction, the order entered under this subsection  
24 prevails.

25 (d) A judge who receives a defendant for supervision as  
26 authorized by Section 510.017, Government Code, may require the  
27 defendant to pay the fee authorized by this article.

1 (e) A judge may not require a defendant to pay the fee under  
2 this article for any month after the period of community  
3 supervision has been terminated by the judge under Article 42A.701.

4 (f) A judge shall deposit any fee received under this  
5 article in the special fund of the county treasury, to be used for  
6 the same purposes for which state aid may be used under Chapter 76,  
7 Government Code. (Code Crim. Proc., Art. 42.12, Secs. 19(a),  
8 (a-1), (b), (c) (part), (g).)

9 Art. 42A.653. ADDITIONAL MONTHLY FEE FOR CERTAIN SEX  
10 OFFENDERS. (a) A judge who grants community supervision to a  
11 defendant convicted of an offense under Section 21.08, 21.11,  
12 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, shall require  
13 as a condition of community supervision that the defendant pay to  
14 the defendant's supervision officer a community supervision fee of  
15 \$5 each month during the period of community supervision.

16 (b) A fee imposed under this article is in addition to court  
17 costs or any other fee imposed on the defendant.

18 (c) A community supervision and corrections department  
19 shall deposit a fee collected under this article to be sent to the  
20 comptroller as provided by Subchapter B, Chapter 133, Local  
21 Government Code. The comptroller shall deposit the fee in the  
22 sexual assault program fund under Section 420.008, Government Code.

23 (d) If a community supervision and corrections department  
24 does not collect a fee imposed under this article, the department is  
25 not required to file any report required by the comptroller that  
26 relates to the collection of the fee. (Code Crim. Proc., Art.  
27 42.12, Secs. 19(e), (f), as amended Acts 78th Leg., R.S., Chs. 209,

1 1310.)

2 Art. 42A.654. FEES DUE ON CONVICTION. For the purpose of  
3 determining when fees due on conviction are to be paid to any  
4 officer, the placement of a defendant on community supervision is  
5 considered a final disposition of the case, without the necessity  
6 of waiting for the termination of the period of community  
7 supervision. (Code Crim. Proc., Art. 42.12, Sec. 19(d).)

8 Art. 42A.655. ABILITY TO PAY. The court shall consider the  
9 defendant's ability to pay in ordering the defendant to make any  
10 payments under this chapter. (Code Crim. Proc., Art. 42.12, Sec.  
11 11(b) (part).)

12 SUBCHAPTER O. REDUCTION OR TERMINATION OF COMMUNITY SUPERVISION  
13 PERIOD

14 Art. 42A.701. REDUCTION OR TERMINATION OF COMMUNITY  
15 SUPERVISION PERIOD. (a) At any time after the defendant has  
16 satisfactorily completed one-third of the original community  
17 supervision period or two years of community supervision, whichever  
18 is less, the judge may reduce or terminate the period of community  
19 supervision.

20 (b) On completion of one-half of the original community  
21 supervision period or two years of community supervision, whichever  
22 is more, the judge shall review the defendant's record and consider  
23 whether to reduce or terminate the period of community supervision,  
24 unless the defendant:

25 (1) is delinquent in paying required costs, fines,  
26 fees, or restitution that the defendant has the ability to pay; or

27 (2) has not completed court-ordered counseling or

1 treatment.

2 (c) Before reducing or terminating a period of community  
3 supervision or conducting a review under this article, the judge  
4 shall notify the attorney representing the state and the defendant  
5 or, if the defendant has an attorney, the defendant's attorney.

6 (d) If the judge determines that the defendant has failed to  
7 satisfactorily fulfill the conditions of community supervision,  
8 the judge shall advise the defendant in writing of the requirements  
9 for satisfactorily fulfilling those conditions.

10 (e) On the satisfactory fulfillment of the conditions of  
11 community supervision and the expiration of the period of community  
12 supervision, the judge by order shall:

13 (1) amend or modify the original sentence imposed, if  
14 necessary, to conform to the community supervision period; and

15 (2) discharge the defendant.

16 (f) If the judge discharges the defendant under this  
17 article, the judge may set aside the verdict or permit the defendant  
18 to withdraw the defendant's plea. A judge acting under this  
19 subsection shall dismiss the accusation, complaint, information,  
20 or indictment against the defendant. A defendant who receives a  
21 discharge and dismissal under this subsection is released from all  
22 penalties and disabilities resulting from the offense of which the  
23 defendant has been convicted or to which the defendant has pleaded  
24 guilty, except that:

25 (1) proof of the conviction or plea of guilty shall be  
26 made known to the judge if the defendant is convicted of any  
27 subsequent offense; and



1           (2) if the defendant is an applicant for or the holder  
2 of a license under Chapter 42, Human Resources Code, the Department  
3 of Family and Protective Services may consider the fact that the  
4 defendant previously has received community supervision under this  
5 chapter in issuing, renewing, denying, or revoking a license under  
6 Chapter 42, Human Resources Code.

7           (g) This article does not apply to a defendant convicted of:

8                 (1) an offense under Sections 49.04-49.08, Penal Code;

9                 (2) an offense the conviction of which requires  
10 registration as a sex offender under Chapter 62; or

11                (3) a felony described by Article 42A.054. (Code  
12 Crim. Proc., Art. 42.12, Sec. 20.)

13           Art. 42A.702. TIME CREDITS FOR COMPLETION OF CERTAIN  
14 CONDITIONS OF COMMUNITY SUPERVISION. (a) This article applies  
15 only to a defendant who:

16                (1) is granted community supervision, including  
17 deferred adjudication community supervision, for an offense  
18 punishable as a state jail felony or a felony of the third degree,  
19 other than an offense:

20                         (A) included as a "reportable conviction or  
21 adjudication" under Article 62.001(5);

22                         (B) involving family violence as defined by  
23 Section 71.004, Family Code;

24                         (C) under Section 20.03 or 28.02, Penal Code; or

25                         (D) under Chapter 49, Penal Code;

26                (2) is not delinquent in paying required costs, fines,  
27 or fees; and

1           (3) has fully satisfied any order to pay restitution  
2 to a victim.

3           (b) A defendant described by Subsection (a) is entitled to  
4 receive any combination of time credits toward the completion of  
5 the defendant's period of community supervision in accordance with  
6 this article if the court ordered the defendant as a condition of  
7 community supervision to:

8           (1) make a payment described by Subsection (c);

9           (2) complete a treatment or rehabilitation program  
10 described by Subsection (d); or

11           (3) earn a diploma, certificate, or degree described  
12 by Subsection (e).

13           (c) A defendant is entitled to time credits toward the  
14 completion of the defendant's period of community supervision for  
15 the full payment of court costs, fines, attorney's fees, and  
16 restitution as follows:

17           (1) court costs: 15 days;

18           (2) fines: 30 days;

19           (3) attorney's fees: 30 days; and

20           (4) restitution: 60 days.

21           (d) A defendant is entitled to time credits toward the  
22 completion of the defendant's period of community supervision for  
23 the successful completion of treatment or rehabilitation programs  
24 as follows:

25           (1) parenting class or parental responsibility  
26 program: 30 days;

27           (2) anger management program: 30 days;

- 1           (3) life skills training program: 30 days;  
2           (4) vocational, technical, or career education or  
3 training program: 60 days; and  
4           (5) alcohol or substance abuse counseling or  
5 treatment: 90 days.

6           (e) A defendant is entitled to time credits toward the  
7 completion of the defendant's period of community supervision for  
8 earning the following diplomas, certificates, or degrees:

- 9           (1) a high school diploma or high school equivalency  
10 certificate: 90 days; and  
11           (2) an associate's degree: 120 days.

12           (f) A defendant's supervision officer shall notify the  
13 court if one or more time credits under this article, cumulated with  
14 the amount of the original community supervision period the  
15 defendant has completed, allow or require the court to conduct a  
16 review of the defendant's community supervision under Article  
17 42A.701. On receipt of the notice from the supervision officer, the  
18 court shall conduct the review of the defendant's community  
19 supervision to determine if the defendant is eligible for a  
20 reduction or termination of community supervision under Article  
21 42A.701, taking into account any time credits to which the  
22 defendant is entitled under this article in determining if the  
23 defendant has completed, as applicable:

24           (1) the lesser of one-third of the original community  
25 supervision period or two years of community supervision; or

26           (2) the greater of one-half of the original community  
27 supervision period or two years of community supervision.

1 (g) A court may order that some or all of the time credits to  
2 which a defendant is entitled under this article be forfeited if,  
3 before the expiration of the original period or a reduced period of  
4 community supervision, the court:

5 (1) after a hearing under Article 42A.751(d), finds  
6 that a defendant violated one or more conditions of community  
7 supervision; and

8 (2) modifies or continues the defendant's period of  
9 community supervision under Article 42A.752 or revokes the  
10 defendant's community supervision under Article 42A.755. (Code  
11 Crim. Proc., Art. 42.12, Sec. 20A.)

12 SUBCHAPTER P. REVOCATION AND OTHER SANCTIONS

13 Art. 42A.751. VIOLATION OF CONDITIONS OF COMMUNITY  
14 SUPERVISION; DETENTION AND HEARING. (a) At any time during the  
15 period of community supervision, the judge may issue a warrant for a  
16 violation of any condition of community supervision and cause a  
17 defendant convicted under Section 43.02, Penal Code, Chapter 481,  
18 Health and Safety Code, or Sections 485.031 through 485.035, Health  
19 and Safety Code, or placed on deferred adjudication community  
20 supervision after being charged with one of those offenses, to be  
21 subject to:

22 (1) the control measures of Section 81.083, Health and  
23 Safety Code; and

24 (2) the court-ordered-management provisions of  
25 Subchapter G, Chapter 81, Health and Safety Code.

26 (b) At any time during the period of community supervision,  
27 the judge may issue a warrant for a violation of any condition of

1 community supervision and cause the defendant to be arrested. Any  
2 supervision officer, police officer, or other officer with the  
3 power of arrest may arrest the defendant with or without a warrant  
4 on the order of the judge to be noted on the docket of the court.  
5 Subject to Subsection (c), a defendant arrested under this  
6 subsection may be detained in the county jail or other appropriate  
7 place of confinement until the defendant can be taken before the  
8 judge for a determination regarding the alleged violation. The  
9 arresting officer shall immediately report the arrest and detention  
10 to the judge.

11 (c) Without any unnecessary delay, but not later than 48  
12 hours after the defendant is arrested, the arresting officer or the  
13 person with custody of the defendant shall take the defendant  
14 before the judge who ordered the arrest for the alleged violation of  
15 a condition of community supervision or, if the judge is  
16 unavailable, before a magistrate of the county in which the  
17 defendant was arrested. The judge or magistrate shall perform all  
18 appropriate duties and may exercise all appropriate powers as  
19 provided by Article 15.17 with respect to an arrest for a new  
20 offense, except that only the judge who ordered the arrest for the  
21 alleged violation may authorize the defendant's release on  
22 bail. The defendant may be taken before the judge or magistrate  
23 under this subsection by means of an electronic broadcast system as  
24 provided by and subject to the requirements of Article 15.17.

25 (d) If the defendant has not been released on bail as  
26 permitted under Subsection (c), on motion by the defendant, the  
27 judge who ordered the arrest for the alleged violation of a

1 condition of community supervision shall cause the defendant to be  
2 brought before the judge for a hearing on the alleged violation  
3 within 20 days of the date the motion is filed. After a hearing  
4 without a jury, the judge may continue, extend, modify, or revoke  
5 the community supervision.

6 (e) A judge may revoke without a hearing the community  
7 supervision of a defendant who is imprisoned in a penal institution  
8 if the defendant in writing before a court of record in the  
9 jurisdiction where the defendant is imprisoned:

10 (1) waives the defendant's right to a hearing and to  
11 counsel;

12 (2) affirms that the defendant has nothing to say as to  
13 why sentence should not be pronounced against the defendant; and

14 (3) requests the judge to revoke community supervision  
15 and to pronounce sentence.

16 (f) In a felony case, the state may amend the motion to  
17 revoke community supervision at any time before the seventh day  
18 before the date of the revocation hearing, after which time the  
19 motion may not be amended except for good cause shown. The state  
20 may not amend the motion after the commencement of taking evidence  
21 at the revocation hearing.

22 (g) The judge may continue the revocation hearing for good  
23 cause shown by either the defendant or the state.

24 (h) The court may not revoke the community supervision of a  
25 defendant if, at the revocation hearing, the court finds that the  
26 only evidence supporting the alleged violation of a condition of  
27 community supervision is the uncorroborated results of a polygraph

1 examination.

2 (i) In a revocation hearing at which it is alleged only that  
3 the defendant violated the conditions of community supervision by  
4 failing to pay compensation paid to appointed counsel, community  
5 supervision fees, or court costs, the state must prove by a  
6 preponderance of the evidence that the defendant was able to pay and  
7 did not pay as ordered by the judge.

8 (j) The court may order a community supervision and  
9 corrections department to obtain information pertaining to the  
10 factors listed under Article 42.037(h) and include that information  
11 in the presentence report required under Article 42A.252(a) or a  
12 separate report, as the court directs.

13 (k) A defendant has a right to counsel at a hearing under  
14 this article. The court shall appoint counsel for an indigent  
15 defendant in accordance with the procedures adopted under Article  
16 26.04.

17 (l) A court retains jurisdiction to hold a hearing under  
18 Subsection (d) and to revoke, continue, or modify community  
19 supervision, regardless of whether the period of community  
20 supervision imposed on the defendant has expired, if before the  
21 expiration of the supervision period:

22 (1) the attorney representing the state files a motion  
23 to revoke, continue, or modify community supervision; and

24 (2) a *capias* is issued for the arrest of the defendant.  
25 (Code Crim. Proc., Art. [42.12](#), Sec. 21.)

26 Art. 42A.752. CONTINUATION OR MODIFICATION OF COMMUNITY  
27 SUPERVISION AFTER VIOLATION. (a) If after a hearing under Article

1 42A.751(d) a judge continues or modifies community supervision  
2 after determining that the defendant violated a condition of  
3 community supervision, the judge may impose any other conditions  
4 the judge determines are appropriate, including:

5 (1) a requirement that the defendant perform community  
6 service for a number of hours specified by the court under Article  
7 42A.304, or an increase in the number of hours that the defendant  
8 has previously been required to perform under that article in an  
9 amount not to exceed double the number of hours permitted by that  
10 article;

11 (2) an extension of the period of community  
12 supervision, in the manner described by Article 42A.753;

13 (3) an increase in the defendant's fine, in the manner  
14 described by Subsection (b); or

15 (4) the placement of the defendant in a substance  
16 abuse felony punishment program operated under Section 493.009,  
17 Government Code, if:

18 (A) the defendant is convicted of a felony other  
19 than:

20 (i) a felony under Section 21.11, 22.011,  
21 or 22.021, Penal Code; or

22 (ii) criminal attempt of a felony under  
23 Section 21.11, 22.011, or 22.021, Penal Code; and

24 (B) the judge makes an affirmative finding that:

25 (i) drug or alcohol abuse significantly  
26 contributed to the commission of the offense or violation of a  
27 condition of community supervision, as applicable; and



1 (ii) the defendant is a suitable candidate  
2 for treatment, as determined by the suitability criteria  
3 established by the Texas Board of Criminal Justice under Section  
4 493.009(b), Government Code.

5 (b) A judge may impose a sanction on a defendant described  
6 by Subsection (a)(3) by increasing the fine imposed on the  
7 defendant. The original fine imposed on the defendant and an  
8 increase in the fine imposed under this subsection may not exceed  
9 the maximum fine for the offense for which the defendant was  
10 sentenced. The judge shall deposit money received from an increase  
11 in the defendant's fine under this subsection in the special fund of  
12 the county treasury to be used for the same purposes for which state  
13 aid may be used under Chapter 76, Government Code.

14 (c) If the judge imposes a sanction under Subsection (a)(4),  
15 the judge shall also impose a condition requiring the defendant on  
16 successful completion of the program to participate in a drug or  
17 alcohol abuse continuum of care treatment plan. (Code Crim. Proc.,  
18 Art. 42.12, Secs. 22(a), (b), (d).)

19 Art. 42A.753. EXTENSION OF COMMUNITY SUPERVISION AFTER  
20 VIOLATION. (a) On a showing of good cause, the judge may extend a  
21 period of community supervision under Article 42A.752(a)(2) as  
22 frequently as the judge determines is necessary, but the period of  
23 community supervision in a first, second, or third degree felony  
24 case may not exceed 10 years and, except as otherwise provided by  
25 Subsection (b), the period of community supervision in a  
26 misdemeanor case may not exceed three years.

27 (b) The judge may extend the period of community supervision

1 in a misdemeanor case for any period the judge determines is  
2 necessary, not to exceed an additional two years beyond the  
3 three-year limit provided by Subsection (a), if:

4 (1) the defendant fails to pay a previously assessed  
5 fine, cost, or restitution; and

6 (2) the judge determines that extending the  
7 supervision period increases the likelihood that the defendant will  
8 fully pay the fine, cost, or restitution.

9 (c) A court may extend a period of community supervision  
10 under Article 42A.752(a)(2):

11 (1) at any time during the supervision period; or

12 (2) before the first anniversary of the date the  
13 supervision period ends, if a motion for revocation of community  
14 supervision is filed before the date the supervision period ends.  
15 (Code Crim. Proc., Art. 42.12, Sec. 22(c).)

16 Art. 42A.754. AUTHORITY TO REVOKE COMMUNITY SUPERVISION.  
17 Only the court in which the defendant was tried may revoke the  
18 defendant's community supervision unless the judge has transferred  
19 jurisdiction of the case to another court under Article 42A.151.  
20 (Code Crim. Proc., Art. 42.12, Sec. 10(a) (part).)

21 Art. 42A.755. REVOCATION OF COMMUNITY SUPERVISION. (a) If  
22 community supervision is revoked after a hearing under Article  
23 42A.751(d), the judge may:

24 (1) proceed to dispose of the case as if there had been  
25 no community supervision; or

26 (2) if the judge determines that the best interests of  
27 society and the defendant would be served by a shorter term of

1 confinement, reduce the term of confinement originally assessed to  
2 any term of confinement not less than the minimum prescribed for the  
3 offense of which the defendant was convicted.

4 (b) The judge shall enter in the judgment in the case the  
5 amount of restitution owed by the defendant on the date of  
6 revocation.

7 (c) Except as otherwise provided by Subsection (d), no part  
8 of the period that the defendant is on community supervision may be  
9 considered as any part of the term that the defendant is sentenced  
10 to serve.

11 (d) On revocation, the judge shall credit to the defendant  
12 time served as a condition of community supervision in a substance  
13 abuse felony punishment facility operated by the Texas Department  
14 of Criminal Justice under Section 493.009, Government Code, or  
15 other court-ordered residential program or facility, but only if  
16 the defendant successfully completes the treatment program in that  
17 facility.

18 (e) The right of the defendant to appeal for a review of the  
19 conviction and punishment, as provided by law, shall be accorded  
20 the defendant at the time the defendant is placed on community  
21 supervision. When the defendant is notified that the defendant's  
22 community supervision is revoked for a violation of the conditions  
23 of community supervision and the defendant is called on to serve a  
24 sentence in a jail or in the Texas Department of Criminal Justice,  
25 the defendant may appeal the revocation. (Code Crim. Proc.,  
26 Art. 42.12, Sec. 23.)

27 Art. 42A.756. DUE DILIGENCE DEFENSE. For the purposes of a

1 hearing under Article 42A.751(d), it is an affirmative defense to  
2 revocation for an alleged violation based on a failure to report to  
3 a supervision officer as directed or to remain within a specified  
4 place that no supervision officer, peace officer, or other officer  
5 with the power of arrest under a warrant issued by a judge for that  
6 alleged violation contacted or attempted to contact the defendant  
7 in person at the defendant's last known residence address or last  
8 known employment address, as reflected in the files of the  
9 department serving the county in which the order of deferred  
10 adjudication community supervision was entered. (Code Crim. Proc.,  
11 Art. [42.12](#), Sec. 24 (part).)

12 Art. 42A.757. EXTENSION OF COMMUNITY SUPERVISION FOR  
13 CERTAIN SEX OFFENDERS. (a) If a defendant is placed on deferred  
14 adjudication community supervision after being convicted of an  
15 offense under Section [21.11](#), [22.011](#), or [22.021](#), Penal Code, at any  
16 time during the period of community supervision, the judge may  
17 extend the period of community supervision as provided by this  
18 article.

19 (b) At a hearing at which the defendant is provided the same  
20 rights as are provided to a defendant at a hearing under Article  
21 42A.751(d), the judge may extend the defendant's supervision period  
22 for a period not to exceed 10 additional years if the judge  
23 determines that:

24 (1) the defendant has not sufficiently demonstrated a  
25 commitment to avoid future criminal behavior; and

26 (2) the release of the defendant from supervision  
27 would endanger the public.

1 (c) A judge may extend a period of community supervision  
2 under this article only once.

3 (d) A judge may extend a period of community supervision for  
4 a defendant under both Article 42A.752(a)(2) and this article.

5 (e) The prohibition in Article 42A.753(a) against a period  
6 of community supervision in a felony case exceeding 10 years does  
7 not apply to a defendant for whom community supervision is  
8 increased under this article or under both Article 42A.752(a)(2)  
9 and this article. (Code Crim. Proc., Art. 42.12, Sec. 22A.)

10 ARTICLE 2. CONFORMING AMENDMENTS

11 SECTION 2.01. Sections 106.06(d) and (e), Alcoholic  
12 Beverage Code, are amended to read as follows:

13 (d) A judge, acting under Chapter 42A [~~Article 42.12~~], Code  
14 of Criminal Procedure, who places a defendant charged with an  
15 offense under this section on community supervision under that  
16 chapter [~~article~~] shall, if the defendant committed the offense at  
17 a gathering where participants were involved in the abuse of  
18 alcohol, including binge drinking or forcing or coercing  
19 individuals to consume alcohol, in addition to any other condition  
20 imposed by the judge:

21 (1) require the defendant to:

22 (A) perform community service for not less than  
23 20 or more than 40 hours; and

24 (B) attend an alcohol awareness program approved  
25 under Section 106.115; and

26 (2) order the Department of Public Safety to suspend  
27 the driver's license or permit of the defendant or, if the defendant

1 does not have a driver's license or permit, to deny the issuance of  
2 a driver's license or permit to the defendant for 180 days.

3 (e) Community service ordered under Subsection (d) is in  
4 addition to any community service ordered by the judge under  
5 Article 42A.304 [~~Section 16, Article 42.12~~], Code of Criminal  
6 Procedure, and must be related to education about or prevention of  
7 misuse of alcohol if programs or services providing that education  
8 are available in the community in which the court is located. If  
9 programs or services providing that education are not available,  
10 the court may order community service that the court considers  
11 appropriate for rehabilitative purposes.

12 SECTION 2.02. Section 142.002(b), Civil Practice and  
13 Remedies Code, is amended to read as follows:

14 (b) This section does not preclude a cause of action for  
15 negligent hiring or the failure of an employer, general contractor,  
16 premises owner, or other third party to provide adequate  
17 supervision of an employee, if:

18 (1) the employer, general contractor, premises owner,  
19 or other third party knew or should have known of the conviction;  
20 and

21 (2) the employee was convicted of:

22 (A) an offense that was committed while  
23 performing duties substantially similar to those reasonably  
24 expected to be performed in the employment, or under conditions  
25 substantially similar to those reasonably expected to be  
26 encountered in the employment, taking into consideration the  
27 factors listed in Sections 53.022 and 53.023(a), Occupations Code,

1 without regard to whether the occupation requires a license;

2 (B) an offense listed in Article 42A.054 [~~Section~~  
3 ~~3g, Article 42.12~~], Code of Criminal Procedure; or

4 (C) a sexually violent offense, as defined by  
5 Article 62.001, Code of Criminal Procedure.

6 SECTION 2.03. Section 152.003(c), Civil Practice and  
7 Remedies Code, is amended to read as follows:

8 (c) A criminal case may not be referred to the system if the  
9 defendant is charged with or convicted of an offense listed in  
10 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of  
11 Criminal Procedure, or convicted of an offense, the judgment for  
12 which contains an affirmative finding under Article 42A.054(c) or  
13 (d) [~~Section 3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

14 SECTION 2.04. Article 5.08, Code of Criminal Procedure, is  
15 amended to read as follows:

16 Art. 5.08. MEDIATION IN FAMILY VIOLENCE CASES.  
17 Notwithstanding Article 26.13(g) or 42A.301(15) [~~Section~~  
18 ~~11(a)(16), Article 42.12, of this code~~], in a criminal prosecution  
19 arising from family violence, as that term is defined by Section  
20 71.004, Family Code, a court shall not refer or order the victim or  
21 the defendant involved to mediation, dispute resolution,  
22 arbitration, or other similar procedures.

23 SECTION 2.05. Article 17.091, Code of Criminal Procedure,  
24 is amended to read as follows:

25 Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED.  
26 Before a judge or magistrate reduces the amount of bail set for a  
27 defendant charged with an offense listed in Article 42A.054

1 [~~Section 3g, Article 42.12~~], an offense described by Article  
2 62.001(5), or an offense under Section 20A.03, Penal Code, the  
3 judge or magistrate shall provide:

4 (1) to the attorney representing the state, reasonable  
5 notice of the proposed bail reduction; and

6 (2) on request of the attorney representing the state  
7 or the defendant or the defendant's counsel, an opportunity for a  
8 hearing concerning the proposed bail reduction.

9 SECTION 2.06. Article 26.052(d)(3), Code of Criminal  
10 Procedure, is amended to read as follows:

11 (3) The standards must require that an attorney  
12 appointed as lead appellate counsel in the direct appeal of a  
13 capital case:

14 (A) be a member of the State Bar of Texas;

15 (B) exhibit proficiency and commitment to  
16 providing quality representation to defendants in death penalty  
17 cases;

18 (C) have not been found by a federal or state  
19 court to have rendered ineffective assistance of counsel during the  
20 trial or appeal of any capital case, unless the local selection  
21 committee determines under Subsection (n) that the conduct  
22 underlying the finding no longer accurately reflects the attorney's  
23 ability to provide effective representation;

24 (D) have at least five years of criminal law  
25 experience;

26 (E) have authored a significant number of  
27 appellate briefs, including appellate briefs for homicide cases and



1 other cases involving an offense punishable as a capital felony or a  
2 felony of the first degree or an offense described by Article  
3 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~];

4 (F) have trial or appellate experience in:

5 (i) the use of and challenges to mental  
6 health or forensic expert witnesses; and

7 (ii) the use of mitigating evidence at the  
8 penalty phase of a death penalty trial; and

9 (G) have participated in continuing legal  
10 education courses or other training relating to criminal defense in  
11 appealing death penalty cases.

12 SECTION 2.07. Section 3(d), Article 37.07, Code of Criminal  
13 Procedure, is amended to read as follows:

14 (d) When the judge assesses the punishment, the judge [~~he~~]  
15 may order a presentence [~~an investigative~~] report as contemplated  
16 in Subchapter F, Chapter 42A, [~~Section 9 of Article 42.12 of this~~  
17 ~~code~~] and after considering the report, and after the hearing of the  
18 evidence hereinabove provided for, the judge [~~he~~] shall forthwith  
19 announce the judge's [~~his~~] decision in open court as to the  
20 punishment to be assessed.

21 SECTION 2.08. Sections 4(a), (b), and (c), Article 37.07,  
22 Code of Criminal Procedure, are amended to read as follows:

23 (a) In the penalty phase of the trial of a felony case in  
24 which the punishment is to be assessed by the jury rather than the  
25 court, if the offense of which the jury has found the defendant  
26 guilty is an offense under Section 71.02, Penal Code, other than an  
27 offense punishable as a state jail felony under that section, an

1 offense under Section 71.023, Penal Code, or an offense listed in  
2 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], or if the  
3 judgment contains an affirmative finding under Article 42A.054(c)  
4 or (d) [~~Section 3g(a)(2), Article 42.12~~], unless the defendant has  
5 been convicted of an offense under Section 21.02, Penal Code, an  
6 offense under Section 22.021, Penal Code, that is punishable under  
7 Subsection (f) of that section, or a capital felony, the court shall  
8 charge the jury in writing as follows:

9 "Under the law applicable in this case, the defendant, if  
10 sentenced to a term of imprisonment, may earn time off the period of  
11 incarceration imposed through the award of good conduct time.  
12 Prison authorities may award good conduct time to a prisoner who  
13 exhibits good behavior, diligence in carrying out prison work  
14 assignments, and attempts at rehabilitation. If a prisoner engages  
15 in misconduct, prison authorities may also take away all or part of  
16 any good conduct time earned by the prisoner.

17 "It is also possible that the length of time for which the  
18 defendant will be imprisoned might be reduced by the award of  
19 parole.

20 "Under the law applicable in this case, if the defendant is  
21 sentenced to a term of imprisonment, the defendant will not become  
22 eligible for parole until the actual time served equals one-half of  
23 the sentence imposed or 30 years, whichever is less, without  
24 consideration of any good conduct time the defendant may earn. If  
25 the defendant is sentenced to a term of less than four years, the  
26 defendant must serve at least two years before the defendant is  
27 eligible for parole. Eligibility for parole does not guarantee

1 that parole will be granted.

2 "It cannot accurately be predicted how the parole law and  
3 good conduct time might be applied to this defendant if sentenced to  
4 a term of imprisonment, because the application of these laws will  
5 depend on decisions made by prison and parole authorities.

6 "You may consider the existence of the parole law and good  
7 conduct time. However, you are not to consider the extent to which  
8 good conduct time may be awarded to or forfeited by this particular  
9 defendant. You are not to consider the manner in which the parole  
10 law may be applied to this particular defendant."

11 (b) In the penalty phase of the trial of a felony case in  
12 which the punishment is to be assessed by the jury rather than the  
13 court, if the offense is punishable as a felony of the first degree,  
14 if a prior conviction has been alleged for enhancement of  
15 punishment as provided by Section 12.42(b), (c)(1) or (2), or (d),  
16 Penal Code, or if the offense is a felony not designated as a  
17 capital felony or a felony of the first, second, or third degree and  
18 the maximum term of imprisonment that may be imposed for the offense  
19 is longer than 60 years, unless the offense of which the jury has  
20 found the defendant guilty is an offense that is punishable under  
21 Section 21.02(h), Penal Code, or is listed in Article 42A.054(a)  
22 [~~Section 3g(a)(1), Article 42.12, of this code~~] or the judgment  
23 contains an affirmative finding under Article 42A.054(c) or (d)  
24 [~~Section 3g(a)(2), Article 42.12, of this code~~], the court shall  
25 charge the jury in writing as follows:

26 "Under the law applicable in this case, the defendant, if  
27 sentenced to a term of imprisonment, may earn time off the period of

1 incarceration imposed through the award of good conduct time.  
2 Prison authorities may award good conduct time to a prisoner who  
3 exhibits good behavior, diligence in carrying out prison work  
4 assignments, and attempts at rehabilitation. If a prisoner engages  
5 in misconduct, prison authorities may also take away all or part of  
6 any good conduct time earned by the prisoner.

7 "It is also possible that the length of time for which the  
8 defendant will be imprisoned might be reduced by the award of  
9 parole.

10 "Under the law applicable in this case, if the defendant is  
11 sentenced to a term of imprisonment, he will not become eligible for  
12 parole until the actual time served plus any good conduct time  
13 earned equals one-fourth of the sentence imposed or 15 years,  
14 whichever is less. Eligibility for parole does not guarantee that  
15 parole will be granted.

16 "It cannot accurately be predicted how the parole law and  
17 good conduct time might be applied to this defendant if he is  
18 sentenced to a term of imprisonment, because the application of  
19 these laws will depend on decisions made by prison and parole  
20 authorities.

21 "You may consider the existence of the parole law and good  
22 conduct time. However, you are not to consider the extent to which  
23 good conduct time may be awarded to or forfeited by this particular  
24 defendant. You are not to consider the manner in which the parole  
25 law may be applied to this particular defendant."

26 (c) In the penalty phase of the trial of a felony case in  
27 which the punishment is to be assessed by the jury rather than the

1 court, if the offense is punishable as a felony of the second or  
2 third degree, if a prior conviction has been alleged for  
3 enhancement as provided by Section 12.42(a), Penal Code, or if the  
4 offense is a felony not designated as a capital felony or a felony  
5 of the first, second, or third degree and the maximum term of  
6 imprisonment that may be imposed for the offense is 60 years or  
7 less, unless the offense of which the jury has found the defendant  
8 guilty is listed in Article 42A.054(a) [~~Section 3g(a)(1), Article~~  
9 ~~42.12, of this code~~] or the judgment contains an affirmative  
10 finding under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article~~  
11 ~~42.12, of this code~~], the court shall charge the jury in writing as  
12 follows:

13 "Under the law applicable in this case, the defendant, if  
14 sentenced to a term of imprisonment, may earn time off the period of  
15 incarceration imposed through the award of good conduct time.  
16 Prison authorities may award good conduct time to a prisoner who  
17 exhibits good behavior, diligence in carrying out prison work  
18 assignments, and attempts at rehabilitation. If a prisoner engages  
19 in misconduct, prison authorities may also take away all or part of  
20 any good conduct time earned by the prisoner.

21 "It is also possible that the length of time for which the  
22 defendant will be imprisoned might be reduced by the award of  
23 parole.

24 "Under the law applicable in this case, if the defendant is  
25 sentenced to a term of imprisonment, he will not become eligible for  
26 parole until the actual time served plus any good conduct time  
27 earned equals one-fourth of the sentence imposed. Eligibility for

1 parole does not guarantee that parole will be granted.

2 "It cannot accurately be predicted how the parole law and  
3 good conduct time might be applied to this defendant if he is  
4 sentenced to a term of imprisonment, because the application of  
5 these laws will depend on decisions made by prison and parole  
6 authorities.

7 "You may consider the existence of the parole law and good  
8 conduct time. However, you are not to consider the extent to which  
9 good conduct time may be awarded to or forfeited by this particular  
10 defendant. You are not to consider the manner in which the parole  
11 law may be applied to this particular defendant."

12 SECTION 2.09. Section 1, Article 38.33, Code of Criminal  
13 Procedure, is amended to read as follows:

14 Sec. 1. The court shall order that a defendant who is  
15 convicted of a felony or a misdemeanor offense that is punishable by  
16 confinement in jail have a thumbprint of the defendant's right  
17 thumb rolled legibly on the judgment or the docket sheet in the  
18 case. The court shall order a defendant who is placed on deferred  
19 adjudication community supervision [~~probation~~] under Subchapter C,  
20 Chapter 42A [~~Section 5 of Article 42.12, Code of Criminal~~  
21 ~~Procedure~~], for an offense described by this section to have a  
22 thumbprint of the defendant's right thumb rolled legibly on the  
23 order placing the defendant on deferred adjudication community  
24 supervision [~~probation~~]. If the defendant does not have a right  
25 thumb, the defendant must have a thumbprint of the defendant's left  
26 thumb rolled legibly on the judgment, order, or docket sheet. The  
27 defendant must have a fingerprint of the defendant's index finger

1 rolled legibly on the judgment, order, or docket sheet if the  
2 defendant does not have a right thumb or a left thumb. The  
3 judgment, order, or docket sheet must contain a statement that  
4 describes from which thumb or finger the print was taken, unless a  
5 rolled 10-finger print set was taken. A clerk or bailiff of the  
6 court or other person qualified to take fingerprints shall take the  
7 thumbprint or fingerprint, either by use of the ink-rolled print  
8 method or by use of a live-scanning device that prints the  
9 thumbprint or fingerprint image on the judgment, order, or docket  
10 sheet.

11 SECTION 2.10. Section 1, Article [42.01](#), Code of Criminal  
12 Procedure, is amended to read as follows:

13 Sec. 1. A judgment is the written declaration of the court  
14 signed by the trial judge and entered of record showing the  
15 conviction or acquittal of the defendant. The sentence served  
16 shall be based on the information contained in the judgment. The  
17 judgment shall reflect:

18 1. The title and number of the case;  
19 2. That the case was called and the parties appeared,  
20 naming the attorney for the state, the defendant, and the attorney  
21 for the defendant, or, where a defendant is not represented by  
22 counsel, that the defendant knowingly, intelligently, and  
23 voluntarily waived the right to representation by counsel;

24 3. The plea or pleas of the defendant to the offense  
25 charged;

26 4. Whether the case was tried before a jury or a jury  
27 was waived;

- 1           5. The submission of the evidence, if any;
- 2           6. In cases tried before a jury that the jury was  
3 charged by the court;
- 4           7. The verdict or verdicts of the jury or the finding  
5 or findings of the court;
- 6           8. In the event of a conviction that the defendant is  
7 adjudged guilty of the offense as found by the verdict of the jury  
8 or the finding of the court, and that the defendant be punished in  
9 accordance with the jury's verdict or the court's finding as to the  
10 proper punishment;
- 11          9. In the event of conviction where death or any  
12 punishment is assessed that the defendant be sentenced to death, a  
13 term of confinement or community supervision, or to pay a fine, as  
14 the case may be;
- 15          10. In the event of conviction where the imposition of  
16 sentence is suspended and the defendant is placed on community  
17 supervision, setting forth the punishment assessed, the length of  
18 community supervision, and the conditions of community  
19 supervision;
- 20          11. In the event of acquittal that the defendant be  
21 discharged;
- 22          12. The county and court in which the case was tried  
23 and, if there was a change of venue in the case, the name of the  
24 county in which the prosecution was originated;
- 25          13. The offense or offenses for which the defendant  
26 was convicted;
- 27          14. The date of the offense or offenses and degree of



- 1 offense for which the defendant was convicted;
- 2           15. The term of sentence;
- 3           16. The date judgment is entered;
- 4           17. The date sentence is imposed;
- 5           18. The date sentence is to commence and any credit for  
6 time served;
- 7           19. The terms of any order entered pursuant to Article  
8 [42.08](#) [~~of this code~~] that the defendant's sentence is to run  
9 cumulatively or concurrently with another sentence or sentences;
- 10           20. The terms of any plea bargain;
- 11           21. Affirmative findings entered pursuant to Article  
12 42A.054(c) or (d) [~~Subdivision (2) of Subsection (a) of Section 3g~~  
13 ~~of Article [42.12](#) of this code~~];
- 14           22. The terms of any fee payment ordered under Article  
15 [42.151](#) [~~of this code~~];
- 16           23. The defendant's thumbprint taken in accordance  
17 with Article [38.33](#) [~~of this code~~];
- 18           24. In the event that the judge orders the defendant to  
19 repay a reward or part of a reward under Articles [37.073](#) and [42.152](#)  
20 [~~of this code~~], a statement of the amount of the payment or payments  
21 required to be made;
- 22           25. In the event that the court orders restitution to  
23 be paid to the victim, a statement of the amount of restitution  
24 ordered and:
- 25                   (A) the name and address of a person or agency  
26 that will accept and forward restitution payments to the victim; or  
27                   (B) if the court specifically elects to have

1 payments made directly to the crime victim, the name and permanent  
2 address of the victim at the time of judgment;

3           26. In the event that a presentence investigation is  
4 required by Subchapter F, Chapter 42A [~~Section 9(a), (b), (h), or~~  
5 ~~(i), Article 42.12 of this code~~], a statement that the presentence  
6 investigation was done according to the applicable provision;

7           27. In the event of conviction of an offense for which  
8 registration as a sex offender is required under Chapter 62, a  
9 statement that the registration requirement of that chapter applies  
10 to the defendant and a statement of the age of the victim of the  
11 offense;

12           28. The defendant's state identification number  
13 required by Section 60.052(a)(2), if that number has been assigned  
14 at the time of the judgment; and

15           29. The incident number required by Section  
16 60.052(a)(4), if that number has been assigned at the time of the  
17 judgment.

18           SECTION 2.11. Article 42.025(b), Code of Criminal  
19 Procedure, is amended to read as follows:

20           (b) A judge may, at a secondary school, receive a plea of  
21 guilty or nolo contendere from a defendant charged with an offense  
22 described by Subsection (a) and place the defendant on deferred  
23 adjudication under Subchapter C, Chapter 42A [~~Section 5, Article~~  
24 ~~42.12~~], if:

25           (1) the judge makes the determination that the  
26 proceeding would have educational value, as provided by Subsection  
27 (a)(1);

1 (2) the defendant and the school agree to the location  
2 of the proceeding, as provided by Subsections (a)(2) and (3); and

3 (3) appropriate measures are taken in regard to the  
4 safety of students and the rights of the defendant, as described by  
5 Subsection (a)(4).

6 SECTION 2.12. Section 2(b), Article 42.03, Code of Criminal  
7 Procedure, is amended to read as follows:

8 (b) In all revocations of a suspension of the imposition of  
9 a sentence the judge shall enter the restitution [~~or reparation~~]  
10 due and owing on the date of the revocation.

11 SECTION 2.13. Articles 42.037(i) and (j), Code of Criminal  
12 Procedure, are amended to read as follows:

13 (i) In addition to any other terms and conditions of  
14 community supervision [~~probation~~] imposed under Chapter 42A  
15 [~~Article 42.12~~], the court may require a defendant [~~probationer~~] to  
16 reimburse the compensation to victims of crime fund created under  
17 Subchapter B, Chapter 56, for any amounts paid from that fund to or  
18 on behalf of a victim of the defendant's [~~probationer's~~] offense.  
19 In this subsection, "victim" has the meaning assigned by Article  
20 56.32.

21 (j) The court may order a community supervision and  
22 corrections department to obtain information pertaining to the  
23 factors listed in Subsection (c) [~~of this article~~]. The  
24 supervision [~~probation~~] officer shall include the information in  
25 the report required under Article 42A.252(a) [~~Section 9(a), Article~~  
26 ~~42.12, of this code~~] or a separate report, as the court directs.  
27 The court shall permit the defendant and the prosecuting attorney

1 to read the report.

2 SECTION 2.14. Article 42.08(a), Code of Criminal Procedure,  
3 is amended to read as follows:

4 (a) When the same defendant has been convicted in two or  
5 more cases, judgment and sentence shall be pronounced in each case  
6 in the same manner as if there had been but one conviction. Except  
7 as provided by Subsections [~~Sections~~] (b) and (c) [~~of this~~  
8 ~~article~~], in the discretion of the court, the judgment in the second  
9 and subsequent convictions may either be that the sentence imposed  
10 or suspended shall begin when the judgment and the sentence imposed  
11 or suspended in the preceding conviction has ceased to operate, or  
12 that the sentence imposed or suspended shall run concurrently with  
13 the other case or cases, and sentence and execution shall be  
14 accordingly; provided, however, that the cumulative total of  
15 suspended sentences in felony cases shall not exceed 10 years, and  
16 the cumulative total of suspended sentences in misdemeanor cases  
17 shall not exceed the maximum period of confinement in jail  
18 applicable to the misdemeanor offenses, though in no event more  
19 than three years, including extensions of periods of community  
20 supervision under Article 42A.752(a)(2) [~~Section 22, Article~~  
21 ~~42.12, of this code~~], if none of the offenses are offenses under  
22 Chapter 49, Penal Code, or four years, including extensions, if any  
23 of the offenses are offenses under Chapter 49, Penal Code.

24 SECTION 2.15. Section 7, Article 42.09, Code of Criminal  
25 Procedure, is amended to read as follows:

26 Sec. 7. If a defendant is sentenced to a term of  
27 imprisonment in the Texas Department of Criminal Justice but is not

1 transferred to the department under Section 3 or 4, the court,  
2 before the date on which it would lose jurisdiction under Article  
3 42A.202(a) [~~Section 6(a), Article 42.12~~], shall send to the  
4 department a document containing a statement of the date on which  
5 the defendant's sentence was pronounced and credits earned by the  
6 defendant under Article 42.03 as of the date of the statement.

7 SECTION 2.16. Section 8(a), Article 42.09, Code of Criminal  
8 Procedure, is amended to read as follows:

9 (a) A county that transfers a defendant to the Texas  
10 Department of Criminal Justice under this article shall deliver to  
11 an officer designated by the department:

12 (1) a copy of the judgment entered pursuant to Article  
13 42.01, completed on a standardized felony judgment form described  
14 by Section 4 of that article;

15 (2) a copy of any order revoking community supervision  
16 and imposing sentence pursuant to Article 42A.755 [~~Section 23,~~  
17 ~~Article 42.12~~], including:

18 (A) any amounts owed for restitution, fines, and  
19 court costs, completed on a standardized felony judgment form  
20 described by Section 4, Article 42.01; and

21 (B) a copy of the client supervision plan  
22 prepared for the defendant by the community supervision and  
23 corrections department supervising the defendant, if such a plan  
24 was prepared;

25 (3) a written report that states the nature and the  
26 seriousness of each offense and that states the citation to the  
27 provision or provisions of the Penal Code or other law under which

1 the defendant was convicted;

2 (4) a copy of the victim impact statement, if one has  
3 been prepared in the case under Article 56.03;

4 (5) a statement as to whether there was a change in  
5 venue in the case and, if so, the names of the county prosecuting  
6 the offense and the county in which the case was tried;

7 (6) if requested, information regarding the criminal  
8 history of the defendant, including the defendant's state  
9 identification number if the number has been issued;

10 (7) a copy of the indictment or information for each  
11 offense;

12 (8) a checklist sent by the department to the county  
13 and completed by the county in a manner indicating that the  
14 documents required by this subsection and Subsection (c) accompany  
15 the defendant;

16 (9) if prepared, a copy of a presentence or  
17 postsentence [~~investigation~~] report prepared under Subchapter F,  
18 Chapter 42A [~~Section 9, Article 42.12~~];

19 (10) a copy of any detainer, issued by an agency of the  
20 federal government, that is in the possession of the county and that  
21 has been placed on the defendant;

22 (11) if prepared, a copy of the defendant's Texas  
23 Uniform Health Status Update Form; and

24 (12) a written description of a hold or warrant,  
25 issued by any other jurisdiction, that the county is aware of and  
26 that has been placed on or issued for the defendant.

27 SECTION 2.17. Article 42.14(b), Code of Criminal Procedure,

1 is amended to read as follows:

2 (b) In a felony case, the judgment and sentence may be  
3 rendered in the absence of the defendant only if:

4 (1) the defendant is confined in a penal institution;

5 (2) the defendant is not charged with a felony  
6 offense:

7 (A) that is listed in Article 42A.054(a) [~~Section~~  
8 ~~3g(a)(1), Article 42.12~~]; or

9 (B) for which it is alleged that:

10 (i) a deadly weapon was used or exhibited  
11 during the commission of the offense or during immediate flight  
12 from the commission of the offense; and

13 (ii) the defendant used or exhibited the  
14 deadly weapon or was a party to the offense and knew that a deadly  
15 weapon would be used or exhibited;

16 (3) the defendant in writing before the appropriate  
17 court having jurisdiction in the county in which the penal  
18 institution is located:

19 (A) waives the right to be present at the  
20 rendering of the judgment and sentence or to have counsel present;

21 (B) affirms that the defendant does not have  
22 anything to say as to why the sentence should not be pronounced and  
23 that there is no reason to prevent the sentence under Article 42.07;

24 (C) states that the defendant has entered into a  
25 written plea agreement with the attorney representing the state in  
26 the prosecution of the case; and

27 (D) requests the court to pronounce sentence in

1 the case in accordance with the plea agreement;

2 (4) the defendant and the attorney representing the  
3 state in the prosecution of the case have entered into a written  
4 plea agreement that is made a part of the record in the case; and

5 (5) sentence is pronounced in accordance with the plea  
6 agreement.

7 SECTION 2.18. Article 44.01(j), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (j) Nothing in this article is to interfere with the  
10 defendant's right to appeal under the procedures of Article 44.02  
11 [~~of this code~~]. The defendant's right to appeal under Article 44.02  
12 may be prosecuted by the defendant where the punishment assessed is  
13 in accordance with Subchapter C, Chapter 42A [~~Subsection (a),~~  
14 ~~Section 3d, Article 42.12 of this code~~], as well as any other  
15 punishment assessed in compliance with Article 44.02 [~~of this~~  
16 ~~code~~].

17 SECTION 2.19. Article 44.04(b), Code of Criminal Procedure,  
18 is amended to read as follows:

19 (b) The defendant may not be released on bail pending the  
20 appeal from any felony conviction where the punishment equals or  
21 exceeds 10 years confinement or where the defendant has been  
22 convicted of an offense listed under Article 42A.054(a) [~~Section~~  
23 ~~3g(a)(1), Article 42.12~~], but shall immediately be placed in  
24 custody and the bail discharged.

25 SECTION 2.20. Articles 46B.073(c) and (d), Code of Criminal  
26 Procedure, as amended by S.B. No. 219, Acts of the 84th  
27 Legislature, Regular Session, 2015, are amended to read as follows:



1           (c) If the defendant is charged with an offense listed in  
2 Article 17.032(a), other than an offense listed in Article  
3 17.032(a)(6), or the indictment alleges an affirmative finding  
4 under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article 42.12~~],  
5 the court shall enter an order committing the defendant to the  
6 maximum security unit of any facility designated by the Department  
7 of State Health Services, to an agency of the United States  
8 operating a mental hospital, or to a Department of Veterans Affairs  
9 hospital.

10           (d) If the defendant is not charged with an offense  
11 described by Subsection (c) and the indictment does not allege an  
12 affirmative finding under Article 42A.054(c) or (d) [~~Section~~  
13 ~~3g(a)(2), Article 42.12~~], the court shall enter an order committing  
14 the defendant to a mental health facility or residential care  
15 facility determined to be appropriate by the local mental health  
16 authority or local intellectual and developmental disability  
17 authority.

18           SECTION 2.21. Article 46B.104, Code of Criminal Procedure,  
19 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
20 Session, 2015, is amended to read as follows:

21           Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF  
22 VIOLENCE. A defendant committed to a facility as a result of  
23 proceedings initiated under this chapter shall be committed to the  
24 maximum security unit of any facility designated by the Department  
25 of State Health Services if:

26           (1) the defendant is charged with an offense listed in  
27 Article 17.032(a), other than an offense listed in Article

1 17.032(a)(6); or

2 (2) the indictment charging the offense alleges an  
3 affirmative finding under Article 42A.054(c) or (d) [~~Section~~  
4 ~~3g(a)(2), Article 42.12~~].

5 SECTION 2.22. Article 48.01(b), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (b) The Board of Pardons and Paroles may recommend that the  
8 Governor grant a pardon to a person who:

9 (1) is placed on deferred adjudication community  
10 supervision under Subchapter C, Chapter 42A [~~Section 5, Article~~  
11 ~~42.12~~], and subsequently receives a discharge and dismissal under  
12 Article 42A.111 [~~Section 5(c) of that article~~]; and

13 (2) on or after the 10th anniversary of the date of  
14 discharge and dismissal, submits a written request to the board for  
15 a recommendation under this subsection.

16 SECTION 2.23. Articles 55.01(a) and (a-1), Code of Criminal  
17 Procedure, are amended to read as follows:

18 (a) A person who has been placed under a custodial or  
19 noncustodial arrest for commission of either a felony or  
20 misdemeanor is entitled to have all records and files relating to  
21 the arrest expunged if:

22 (1) the person is tried for the offense for which the  
23 person was arrested and is:

24 (A) acquitted by the trial court, except as  
25 provided by Subsection (c); or

26 (B) convicted and subsequently:

27 (i) pardoned for a reason other than that

1 described by Subparagraph (ii); or

2 (ii) pardoned or otherwise granted relief  
3 on the basis of actual innocence with respect to that offense, if  
4 the applicable pardon or court order clearly indicates on its face  
5 that the pardon or order was granted or rendered on the basis of the  
6 person's actual innocence; or

7 (2) the person has been released and the charge, if  
8 any, has not resulted in a final conviction and is no longer pending  
9 and there was no court-ordered community supervision under Chapter  
10 42A [~~Article 42.12~~] for the offense, unless the offense is a Class C  
11 misdemeanor, provided that:

12 (A) regardless of whether any statute of  
13 limitations exists for the offense and whether any limitations  
14 period for the offense has expired, an indictment or information  
15 charging the person with the commission of a misdemeanor offense  
16 based on the person's arrest or charging the person with the  
17 commission of any felony offense arising out of the same  
18 transaction for which the person was arrested:

19 (i) has not been presented against the  
20 person at any time following the arrest, and:

21 (a) at least 180 days have elapsed  
22 from the date of arrest if the arrest for which the expunction was  
23 sought was for an offense punishable as a Class C misdemeanor and if  
24 there was no felony charge arising out of the same transaction for  
25 which the person was arrested;

26 (b) at least one year has elapsed from  
27 the date of arrest if the arrest for which the expunction was sought

1 was for an offense punishable as a Class B or A misdemeanor and if  
2 there was no felony charge arising out of the same transaction for  
3 which the person was arrested;

4 (c) at least three years have elapsed  
5 from the date of arrest if the arrest for which the expunction was  
6 sought was for an offense punishable as a felony or if there was a  
7 felony charge arising out of the same transaction for which the  
8 person was arrested; or

9 (d) the attorney representing the  
10 state certifies that the applicable arrest records and files are  
11 not needed for use in any criminal investigation or prosecution,  
12 including an investigation or prosecution of another person; or

13 (ii) if presented at any time following the  
14 arrest, was dismissed or quashed, and the court finds that the  
15 indictment or information was dismissed or quashed because the  
16 person completed a pretrial intervention program authorized under  
17 Section 76.011, Government Code, because the presentment had been  
18 made because of mistake, false information, or other similar reason  
19 indicating absence of probable cause at the time of the dismissal to  
20 believe the person committed the offense, or because the indictment  
21 or information was void; or

22 (B) prosecution of the person for the offense for  
23 which the person was arrested is no longer possible because the  
24 limitations period has expired.

25 (a-1) Notwithstanding any other provision of this article,  
26 a person may not expunge records and files relating to an arrest  
27 that occurs pursuant to a warrant issued under Article 42A.751(b)

1 [~~Section 21, Article 42.12~~].

2 SECTION 2.24. Article 60.052(c), Code of Criminal  
3 Procedure, is amended to read as follows:

4 (c) Information in the corrections tracking system relating  
5 to the handling of offenders must include the following information  
6 about each imprisonment, confinement, or execution of an offender:

7 (1) the date of the imprisonment or confinement;

8 (2) if the offender was sentenced to death:

9 (A) the date of execution; and

10 (B) if the death sentence was commuted, the  
11 sentence to which the sentence of death was commuted and the date of  
12 commutation;

13 (3) the date the offender was released from  
14 imprisonment or confinement and whether the release was a discharge  
15 or a release on parole or mandatory supervision;

16 (4) if the offender is released on parole or mandatory  
17 supervision:

18 (A) the offense for which the offender was  
19 convicted by offense code and incident number;

20 (B) the date the offender was received by an  
21 office of the parole division;

22 (C) the county in which the offender resides  
23 while under supervision;

24 (D) any program in which an offender is placed or  
25 has previously been placed and the level of supervision the  
26 offender is placed on while under the jurisdiction of the parole  
27 division;

1 (E) the date a program described by Paragraph (D)  
2 begins, the date the program ends, and whether the program was  
3 completed successfully;

4 (F) the date a level of supervision described by  
5 Paragraph (D) begins and the date the level of supervision ends;

6 (G) if the offender's release status is revoked,  
7 the reason for the revocation and the date of revocation;

8 (H) the expiration date of the sentence; and

9 (I) the date of the offender's release from the  
10 parole division or the date on which the offender is granted  
11 clemency; and

12 (5) if the offender is released under Article  
13 42A.202(b) [~~Section 6(a), Article 42.12~~], the date of the  
14 offender's release.

15 SECTION 2.25. Article 60.08(e), Code of Criminal Procedure,  
16 is amended to read as follows:

17 (e) A court that orders the release of an offender under  
18 Article 42A.202(b) [~~Section 6(a), Article 42.12~~] at a time when  
19 the offender is under a bench warrant and not physically imprisoned  
20 in the Texas Department of Criminal Justice shall report the  
21 release to the department not later than the seventh day after the  
22 date of the release.

23 SECTION 2.26. Article 62.063(b), Code of Criminal  
24 Procedure, is amended to read as follows:

25 (b) A person subject to registration under this chapter  
26 because of a reportable conviction or adjudication for which an  
27 affirmative finding is entered under Article 42.015(b) or

1 42A.105(a) [~~Section 5(e)(2), Article 42.12~~], as appropriate, may  
2 not, for compensation:

3 (1) operate or offer to operate a bus;

4 (2) provide or offer to provide a passenger taxicab or  
5 limousine transportation service;

6 (3) provide or offer to provide any type of service in  
7 the residence of another person unless the provision of service  
8 will be supervised; or

9 (4) operate or offer to operate any amusement ride.

10 SECTION 2.27. Articles 62.301(b) and (c), Code of Criminal  
11 Procedure, are amended to read as follows:

12 (b) A person is eligible to petition the court as described  
13 by Subsection (a) if:

14 (1) the person is required to register only as a result  
15 of a single reportable conviction or adjudication, other than an  
16 adjudication of delinquent conduct; and

17 (2) the court has entered in the appropriate judgment  
18 or has filed with the appropriate papers a statement of an  
19 affirmative finding described by Article 42.017 or 42A.105(c)  
20 [~~Section 5(g), Article 42.12~~].

21 (c) A defendant who before September 1, 2011, is convicted  
22 of or placed on deferred adjudication community supervision for an  
23 offense under Section 21.11 or 22.011, Penal Code, is eligible to  
24 petition the court as described by Subsection (a). The court may  
25 consider the petition only if the petition states and the court  
26 finds that the defendant would have been entitled to the entry of an  
27 affirmative finding under Article 42.017 or 42A.105(c) [~~Section~~

1 ~~5(g), Article 42.12~~], as appropriate, had the conviction or  
2 placement on deferred adjudication community supervision occurred  
3 after September 1, 2011.

4 SECTION 2.28. Article 102.018(b), Code of Criminal  
5 Procedure, is amended to read as follows:

6 (b) Except as provided by Subsection (d) [~~of this article~~],  
7 on conviction of an offense relating to the driving or operating of  
8 a motor vehicle punishable under Section 49.04(b), Penal Code, the  
9 court shall impose as a cost of court on the defendant an amount  
10 that is equal to the cost of an evaluation of the defendant  
11 performed under Article 42A.402(a) [~~Section 13(a), Article 42.12,~~  
12 ~~of this code~~]. Costs imposed under this subsection are in addition  
13 to other court costs and are due whether or not the defendant is  
14 granted community supervision [~~probation~~] in the case, except that  
15 if the court determines that the defendant is indigent and unable to  
16 pay the cost, the court may waive the imposition of the cost.

17 SECTION 2.29. Article 102.020(a), Code of Criminal  
18 Procedure, is amended to read as follows:

19 (a) A person shall pay as a cost of court:  
20 (1) \$250 on conviction of an offense listed in Section  
21 411.1471(a)(1), Government Code;  
22 (2) \$50 on conviction of an offense listed in Section  
23 411.1471(a)(3) of that code; or  
24 (3) \$34 on placement of the person on community  
25 supervision, including deferred adjudication community  
26 supervision, if the person is required to submit a DNA sample under  
27 Article 42A.352 [~~Section 11(j), Article 42.12~~].



1 SECTION 2.30. Section 37.152(f), Education Code, is amended  
2 to read as follows:

3 (f) Except if an offense causes the death of a student, in  
4 sentencing a person convicted of an offense under this section, the  
5 court may require the person to perform community service, subject  
6 to the same conditions imposed on a person placed on community  
7 supervision under Chapter 42A [~~Section 11, Article 42.12~~], Code of  
8 Criminal Procedure, for an appropriate period of time in lieu of  
9 confinement in county jail or in lieu of a part of the time the  
10 person is sentenced to confinement in county jail.

11 SECTION 2.31. Section 53.045(a), Family Code, is amended to  
12 read as follows:

13 (a) Except as provided by Subsection (e), the prosecuting  
14 attorney may refer the petition to the grand jury of the county in  
15 which the court in which the petition is filed presides if the  
16 petition alleges that the child engaged in delinquent conduct that  
17 constitutes habitual felony conduct as described by Section 51.031  
18 or that included the violation of any of the following provisions:

- 19 (1) Section 19.02, Penal Code (murder);
- 20 (2) Section 19.03, Penal Code (capital murder);
- 21 (3) Section 19.04, Penal Code (manslaughter);
- 22 (4) Section 20.04, Penal Code (aggravated  
23 kidnapping);
- 24 (5) Section 22.011, Penal Code (sexual assault) or  
25 Section 22.021, Penal Code (aggravated sexual assault);
- 26 (6) Section 22.02, Penal Code (aggravated assault);
- 27 (7) Section 29.03, Penal Code (aggravated robbery);

1           (8) Section 22.04, Penal Code (injury to a child,  
2 elderly individual, or disabled individual), if the offense is  
3 punishable as a felony, other than a state jail felony;

4           (9) Section 22.05(b), Penal Code (felony deadly  
5 conduct involving discharging a firearm);

6           (10) Subchapter D, Chapter 481, Health and Safety  
7 Code, if the conduct constitutes a felony of the first degree or an  
8 aggravated controlled substance felony (certain offenses involving  
9 controlled substances);

10          (11) Section 15.03, Penal Code (criminal  
11 solicitation);

12          (12) Section 21.11(a)(1), Penal Code (indecent with a  
13 child);

14          (13) Section 15.031, Penal Code (criminal  
15 solicitation of a minor);

16          (14) Section 15.01, Penal Code (criminal attempt), if  
17 the offense attempted was an offense under Section 19.02, Penal  
18 Code (murder), or Section 19.03, Penal Code (capital murder), or an  
19 offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~  
20 ~~42.12~~], Code of Criminal Procedure;

21          (15) Section 28.02, Penal Code (arson), if bodily  
22 injury or death is suffered by any person by reason of the  
23 commission of the conduct;

24          (16) Section 49.08, Penal Code (intoxication  
25 manslaughter); or

26          (17) Section 15.02, Penal Code (criminal conspiracy),  
27 if the offense made the subject of the criminal conspiracy includes

1 a violation of any of the provisions referenced in Subdivisions (1)  
2 through (16).

3 SECTION 2.32. Section 54.0409(a), Family Code, is amended  
4 to read as follows:

5 (a) This section applies only to conduct constituting the  
6 commission of a felony:

7 (1) that is listed in Article 42A.054(a) [~~Section~~  
8 ~~3g(a)(1), Article 42.12~~], Code of Criminal Procedure; or

9 (2) for which it is shown that a deadly weapon, as  
10 defined by Section 1.07, Penal Code, was used or exhibited during  
11 the commission of the conduct or during immediate flight from the  
12 commission of the conduct.

13 SECTION 2.33. Sections 54.051(e), (e-1), (e-2), and (e-3),  
14 Family Code, are amended to read as follows:

15 (e) A district court that exercises jurisdiction over a  
16 person transferred under Subsection (d) shall place the person on  
17 community supervision under Chapter 42A [~~Article 42.12~~], Code of  
18 Criminal Procedure, for the remainder of the person's probationary  
19 period and under conditions consistent with those ordered by the  
20 juvenile court.

21 (e-1) The restrictions on a judge placing a defendant on  
22 community supervision imposed by Article 42A.054 [~~Section 3g,~~  
23 ~~Article 42.12~~], Code of Criminal Procedure, do not apply to a case  
24 transferred from the juvenile court. The minimum period of  
25 community supervision imposed by Article 42A.053(d) [~~Section 3(b),~~  
26 ~~Article 42.12~~], Code of Criminal Procedure, does not apply to a case  
27 transferred from the juvenile court.

1 (e-2) If a person who is placed on community supervision  
2 under this section violates a condition of that supervision or if  
3 the person violated a condition of probation ordered under Section  
4 54.04(q) and that probation violation was not discovered by the  
5 state before the person's 19th birthday, the district court shall  
6 dispose of the violation of community supervision or probation, as  
7 appropriate, in the same manner as if the court had originally  
8 exercised jurisdiction over the case. If the judge revokes  
9 community supervision, the judge may reduce the prison sentence to  
10 any length without regard to the minimum term imposed by Article  
11 42A.755(a) [~~Section 23(a), Article 42.12~~], Code of Criminal  
12 Procedure.

13 (e-3) The time that a person serves on probation ordered  
14 under Section 54.04(q) is the same as time served on community  
15 supervision ordered under this section for purposes of determining  
16 the person's eligibility for early discharge from community  
17 supervision under Article 42A.701 [~~Section 20, Article 42.12~~], Code  
18 of Criminal Procedure.

19 SECTION 2.34. Section 55.45(c), Family Code, is amended to  
20 read as follows:

21 (c) If the referred child, as described in Subsection (b),  
22 is alleged to have committed an offense listed in Article 42A.054  
23 [~~Section 3g, Article 42.12~~], Code of Criminal Procedure, the  
24 administrator of the residential care facility shall apply, in  
25 writing, by certified mail, return receipt requested, to the  
26 juvenile court that ordered commitment of the child or that  
27 referred the case to a court that ordered commitment of the child

1 and show good cause for any release of the child from the facility  
2 for more than 48 hours. Notice of this request must be provided to  
3 the prosecuting attorney responsible for the case. The prosecuting  
4 attorney, the juvenile, or the administrator may apply for a  
5 hearing on this application. If no one applies for a hearing, the  
6 trial court shall resolve the application on the written  
7 submission. The rules of evidence do not apply to this hearing. An  
8 appeal of the trial court's ruling on the application is not  
9 allowed. The release of a child described in this subsection  
10 without the express approval of the trial court is punishable by  
11 contempt.

12 SECTION 2.35. Section 76.001(2), Government Code, is  
13 amended to read as follows:

14 (2) "Community supervision" has the meaning assigned  
15 by Article 42A.001 [~~Section 2, Article 42.12~~], Code of Criminal  
16 Procedure.

17 SECTION 2.36. Section 76.015(c), Government Code, is  
18 amended to read as follows:

19 (c) A department may assess a reasonable administrative fee  
20 of not less than \$25 and not more than \$60 per month on an individual  
21 who participates in a program operated by the department or  
22 receives services from the department and who is not paying a  
23 monthly fee under Article 42A.652 [~~Section 19, Article 42.12~~], Code  
24 of Criminal Procedure.

25 SECTION 2.37. Section 103.021, Government Code, is amended  
26 to read as follows:

27 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR

1 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,  
2 or a party to a civil suit, as applicable, shall pay the following  
3 fees and costs under the Code of Criminal Procedure if ordered by  
4 the court or otherwise required:

5 (1) a personal bond fee (Art. 17.42, Code of Criminal  
6 Procedure) . . . the greater of \$20 or three percent of the amount  
7 of the bail fixed for the accused;

8 (2) cost of electronic monitoring as a condition of  
9 release on personal bond (Art. 17.43, Code of Criminal Procedure)  
10 . . . actual cost;

11 (3) a fee for verification of and monitoring of motor  
12 vehicle ignition interlock (Art. 17.441, Code of Criminal  
13 Procedure) . . . not to exceed \$10;

14 (3-a) costs associated with operating a global  
15 positioning monitoring system as a condition of release on bond  
16 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,  
17 subject to a determination of indigency;

18 (3-b) costs associated with providing a defendant's  
19 victim with an electronic receptor device as a condition of the  
20 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal  
21 Procedure) . . . actual costs, subject to a determination of  
22 indigency;

23 (4) repayment of reward paid by a crime stoppers  
24 organization on conviction of a felony (Art. 37.073, Code of  
25 Criminal Procedure) . . . amount ordered;

26 (5) reimbursement to general revenue fund for payments  
27 made to victim of an offense as condition of community supervision

1 (Chapter 42A [~~Art. 42.12~~], Code of Criminal Procedure) . . . not to  
2 exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

3 (6) payment to a crime stoppers organization as  
4 condition of community supervision (Chapter 42A [~~Art. 42.12~~], Code  
5 of Criminal Procedure) . . . not to exceed \$50;

6 (7) children's advocacy center fee (Chapter 42A [~~Art.~~  
7 ~~42.12~~], Code of Criminal Procedure) . . . not to exceed \$50;

8 (8) family violence center fee (Chapter 42A [~~Art.~~  
9 ~~42.12~~], Code of Criminal Procedure) . . . \$100;

10 (9) community supervision fee (Chapter 42A [~~Art.~~  
11 ~~42.12~~], Code of Criminal Procedure) . . . not less than \$25 or more  
12 than \$60 per month;

13 (10) additional community supervision fee for certain  
14 offenses (Chapter 42A [~~Art. 42.12~~], Code of Criminal Procedure)  
15 . . . \$5 per month;

16 (11) for certain financially able sex offenders as a  
17 condition of community supervision, the costs of treatment,  
18 specialized supervision, or rehabilitation (Chapter 42A [~~Art.~~  
19 ~~42.12~~], Code of Criminal Procedure) . . . all or part of the  
20 reasonable and necessary costs of the treatment, supervision, or  
21 rehabilitation as determined by the judge;

22 (12) fee for failure to appear for trial in a justice  
23 or municipal court if a jury trial is not waived (Art. 45.026, Code  
24 of Criminal Procedure) . . . costs incurred for impaneling the  
25 jury;

26 (13) costs of certain testing, assessments, or  
27 programs during a deferral period (Art. 45.051, Code of Criminal

1 Procedure) . . . amount ordered;

2 (14) special expense on dismissal of certain  
3 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)  
4 . . . not to exceed amount of fine assessed;

5 (15) an additional fee:

6 (A) for a copy of the defendant's driving record  
7 to be requested from the Department of Public Safety by the judge  
8 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal  
9 to the sum of the fee established by Section 521.048,  
10 Transportation Code, and the state electronic Internet portal fee;

11 (B) as an administrative fee for requesting a  
12 driving safety course or a course under the motorcycle operator  
13 training and safety program for certain traffic offenses to cover  
14 the cost of administering the article (Art. 45.0511(f)(1), Code of  
15 Criminal Procedure) . . . not to exceed \$10; or

16 (C) for requesting a driving safety course or a  
17 course under the motorcycle operator training and safety program  
18 before the final disposition of the case (Art. 45.0511(f)(2), Code  
19 of Criminal Procedure) . . . not to exceed the maximum amount of the  
20 fine for the offense committed by the defendant;

21 (16) a request fee for teen court program (Art.  
22 45.052, Code of Criminal Procedure) . . . \$20, if the court  
23 ordering the fee is located in the Texas-Louisiana border region,  
24 but otherwise not to exceed \$10;

25 (17) a fee to cover costs of required duties of teen  
26 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the  
27 court ordering the fee is located in the Texas-Louisiana border



1 region, but otherwise \$10;

2 (18) a mileage fee for officer performing certain  
3 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per  
4 mile;

5 (19) certified mailing of notice of hearing date (Art.  
6 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

7 (20) certified mailing of certified copies of an order  
8 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,  
9 plus postage;

10 (20-a) a fee to defray the cost of notifying state  
11 agencies of orders of expungement (Art. 45.0216, Code of Criminal  
12 Procedure) . . . \$30 per application;

13 (20-b) a fee to defray the cost of notifying state  
14 agencies of orders of expunction (Art. 45.055, Code of Criminal  
15 Procedure) . . . \$30 per application;

16 (21) sight orders:

17 (A) if the face amount of the check or sight order  
18 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)  
19 . . . not to exceed \$10;

20 (B) if the face amount of the check or sight order  
21 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of  
22 Criminal Procedure) . . . not to exceed \$15;

23 (C) if the face amount of the check or sight order  
24 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of  
25 Criminal Procedure) . . . not to exceed \$30;

26 (D) if the face amount of the check or sight order  
27 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of

1 Criminal Procedure) . . . not to exceed \$50; and

2 (E) if the face amount of the check or sight order  
3 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)  
4 . . . not to exceed \$75;

5 (22) fees for a pretrial intervention program:

6 (A) a supervision fee (Art. 102.012(a), Code of  
7 Criminal Procedure) . . . \$60 a month plus expenses; and

8 (B) a district attorney, criminal district  
9 attorney, or county attorney administrative fee (Art. 102.0121,  
10 Code of Criminal Procedure) . . . not to exceed \$500;

11 (23) parking fee violations for child safety fund in  
12 municipalities with populations:

13 (A) greater than 850,000 (Art. 102.014, Code of  
14 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

15 (B) less than 850,000 (Art. 102.014, Code of  
16 Criminal Procedure) . . . not to exceed \$5;

17 (24) an administrative fee for collection of fines,  
18 fees, restitution, or other costs (Art. 102.072, Code of Criminal  
19 Procedure) . . . not to exceed \$2 for each transaction; and

20 (25) a collection fee, if authorized by the  
21 commissioners court of a county or the governing body of a  
22 municipality, for certain debts and accounts receivable, including  
23 unpaid fines, fees, court costs, forfeited bonds, and restitution  
24 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30  
25 percent of an amount more than 60 days past due.

26 SECTION 2.38. Section 123.001(b), Government Code, is  
27 amended to read as follows:

1 (b) If a defendant successfully completes a drug court  
2 program, regardless of whether the defendant was convicted of the  
3 offense for which the defendant entered the program or whether the  
4 court deferred further proceedings without entering an  
5 adjudication of guilt, after notice to the state and a hearing on  
6 whether the defendant is otherwise entitled to the petition and  
7 whether issuance of the order is in the best interest of justice,  
8 the court shall enter an order of nondisclosure under Section  
9 [411.081](#) as if the defendant had received a discharge and dismissal  
10 under Article 42A.111 [~~Section 5(c), Article 42.12~~], Code of  
11 Criminal Procedure, with respect to all records and files related  
12 to the defendant's arrest for the offense for which the defendant  
13 entered the program if the defendant:

14 (1) has not been previously convicted of an offense  
15 listed in Article 42A.054 [~~Section 3g, Article 42.12~~], Code of  
16 Criminal Procedure, or a sexually violent offense, as defined by  
17 Article [62.001](#), Code of Criminal Procedure; and

18 (2) is not convicted for any felony offense between  
19 the date on which the defendant successfully completed the program  
20 and the second anniversary of that date.

21 SECTION 2.39. Section [123.008](#)(a), Government Code, is  
22 amended to read as follows:

23 (a) Notwithstanding Article 42A.304 [~~Sections 13 and 16,~~  
24 ~~Article 42.12~~], Code of Criminal Procedure, to encourage  
25 participation in a drug court program established under this  
26 chapter, the judge or magistrate administering the program may  
27 suspend any requirement that, as a condition of community

1 supervision, a participant in the program work a specified number  
2 of hours at a community service project or projects.

3 SECTION 2.40. Sections 411.081(d) and (e), Government Code,  
4 are amended to read as follows:

5 (d) Notwithstanding any other provision of this subchapter,  
6 if a person is placed on deferred adjudication community  
7 supervision under Subchapter C, Chapter 42A [~~Section 5, Article~~  
8 42.12], Code of Criminal Procedure, subsequently receives a  
9 discharge and dismissal under Article 42A.111 [~~Section 5(c),~~  
10 ~~Article 42.12~~], and satisfies the requirements of Subsection (e),  
11 the person may petition the court that placed the defendant on  
12 deferred adjudication for an order of nondisclosure under this  
13 subsection. Except as provided by Subsection (e), a person may  
14 petition the court for an order of nondisclosure regardless of  
15 whether the person has been previously placed on deferred  
16 adjudication community supervision for another offense. After  
17 notice to the state, an opportunity for a hearing, and a  
18 determination that the person is entitled to file the petition and  
19 issuance of the order is in the best interest of justice, the court  
20 shall issue an order prohibiting criminal justice agencies from  
21 disclosing to the public criminal history record information  
22 related to the offense giving rise to the deferred adjudication. A  
23 criminal justice agency may disclose criminal history record  
24 information that is the subject of the order only to other criminal  
25 justice agencies[7] for criminal justice or regulatory licensing  
26 purposes, an agency or entity listed in Subsection (i), or the  
27 person who is the subject of the order. A person may petition the

1 court that placed the person on deferred adjudication for an order  
2 of nondisclosure only on or after:

3 (1) the discharge and dismissal, if the offense for  
4 which the person was placed on deferred adjudication was a  
5 misdemeanor other than a misdemeanor described by Subdivision (2);

6 (2) the second anniversary of the discharge and  
7 dismissal, if the offense for which the person was placed on  
8 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,  
9 25, 42, or 46, Penal Code; or

10 (3) the fifth anniversary of the discharge and  
11 dismissal, if the offense for which the person was placed on  
12 deferred adjudication was a felony.

13 (e) A person is entitled to petition the court under  
14 Subsection (d) only if during the period of the deferred  
15 adjudication community supervision for which the order of  
16 nondisclosure is requested and during the applicable period  
17 described by Subsection (d)(1), (2), or (3), as appropriate, the  
18 person is not convicted of or placed on deferred adjudication  
19 community supervision under Subchapter C, Chapter 42A [~~Section 5,~~  
20 ~~Article 42.12~~], Code of Criminal Procedure, for any offense other  
21 than an offense under the Transportation Code punishable by fine  
22 only. A person is not entitled to petition the court under  
23 Subsection (d) if the person was placed on the deferred  
24 adjudication community supervision for or has been previously  
25 convicted or placed on any other deferred adjudication for:

26 (1) an offense requiring registration as a sex  
27 offender under Chapter 62, Code of Criminal Procedure;

1           (2) an offense under Section 20.04, Penal Code,  
2 regardless of whether the offense is a reportable conviction or  
3 adjudication for purposes of Chapter 62, Code of Criminal  
4 Procedure;

5           (3) an offense under Section 19.02, 19.03, 22.04,  
6 22.041, 25.07, 25.072, or 42.072, Penal Code; or

7           (4) any other offense involving family violence, as  
8 defined by Section 71.004, Family Code.

9           SECTION 2.41. Section 411.145(c), Government Code, is  
10 amended to read as follows:

11           (c) A fee collected under this section shall be deposited in  
12 the state treasury to the credit of the state highway fund, and  
13 money deposited to the state highway fund under this section and  
14 under Chapter 42A [~~Articles 42.12~~] and Article 102.020(h), Code of  
15 Criminal Procedure, may be used only to defray the cost of  
16 administering this subchapter and Section 411.0205.

17           SECTION 2.42. Section 414.010(a), Government Code, is  
18 amended to read as follows:

19           (a) Except as provided by Subsection (d), a crime stoppers  
20 organization certified by the council to receive money in the form  
21 of payments from defendants placed on community supervision under  
22 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, or money  
23 in the form of repayments of rewards under Articles 37.073 and  
24 42.152, Code of Criminal Procedure, may use not more than 20 percent  
25 of the money annually received to pay costs incurred in  
26 administering the organization and shall use the remainder of the  
27 money, including any interest earned on the money, only to reward

1 persons who report information concerning criminal activity. Not  
2 later than January 31 of each year, a crime stoppers organization  
3 that receives or expends money under this section shall file a  
4 detailed report with the council.

5 SECTION 2.43. Sections 414.011(a) and (b), Government Code,  
6 are amended to read as follows:

7 (a) The council shall, on application by a crime stoppers  
8 organization, determine whether the organization is qualified to  
9 receive repayments of rewards under Articles 37.073 and 42.152,  
10 Code of Criminal Procedure, or payments from a defendant under  
11 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure. The  
12 council shall certify a crime stoppers organization to receive  
13 those repayments or payments if, considering the organization,  
14 continuity, leadership, community support, and general conduct of  
15 the crime stoppers organization, the council determines that the  
16 repayments or payments will be spent to further the crime  
17 prevention purposes of the organization.

18 (b) Each crime stoppers organization certified by the  
19 council to receive repayments under Articles 37.073 and 42.152,  
20 Code of Criminal Procedure, or payments from a defendant under  
21 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, is subject  
22 to a review or audit, including financial and programmatic reviews  
23 or audits, of finances or programs at the direction of the criminal  
24 justice division of the governor's office or its designee. A copy  
25 of the review or audit report shall be submitted to the criminal  
26 justice division.

27 SECTION 2.44. Section 420.008(b), Government Code, is

1 amended to read as follows:

2 (b) The fund consists of fees collected under:

3 (1) Article 42A.653(a) [~~Section 19(e), Article~~  
4 ~~42.12~~], Code of Criminal Procedure;

5 (2) Section 508.189, Government Code; and

6 (3) Subchapter B, Chapter 102, Business & Commerce  
7 Code, and deposited under Section 102.054.

8 SECTION 2.45. Sections 420.014(a) and (e), Government Code,  
9 are amended to read as follows:

10 (a) If the attorney general reasonably believes that a court  
11 or a community supervision office has not properly assessed or made  
12 a reasonable effort to collect costs due under Chapter 42A [~~Article~~  
13 ~~42.12 or 42.18~~], Code of Criminal Procedure, or Chapter 508,  
14 Government Code, the attorney general shall send a warning letter  
15 to the court or the governing body of the governmental unit in which  
16 the court is located.

17 (e) If the attorney general finds from available evidence  
18 that a court or a community supervision office has not properly  
19 assessed or made a reasonable effort to collect costs due under  
20 Chapter 42A [~~Article 42.12 or 42.18~~], Code of Criminal Procedure,  
21 or Chapter 508, Government Code, the attorney general may:

22 (1) refuse to award grants under this subchapter to  
23 residents of the jurisdiction served by the court or community  
24 supervision office; or

25 (2) in the case of a court, notify the State Commission  
26 on Judicial Conduct of the findings.

27 SECTION 2.46. Sections 493.009(a), (a-1), (b), (c), (d),



1 (e), (g), (h), (k), and (q), Government Code, are amended to read as  
2 follows:

3 (a) The department shall establish a program to confine and  
4 treat:

5 (1) defendants required to participate in the program  
6 under Article 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal  
7 Procedure; and

8 (2) individuals referred for treatment as part of a  
9 drug court program established under Chapter 123 or a similar  
10 program created under other law.

11 (a-1) The board by rule may modify requirements imposed by  
12 this section and Chapter 42A [~~Article 42.12~~], Code of Criminal  
13 Procedure, as necessary to properly treat individuals who are not  
14 participating in the program as a condition of community  
15 supervision.

16 (b) The board shall adopt criteria to determine the  
17 suitability of candidates for participation in the program. The  
18 department and the Department of State Health Services [~~Texas~~  
19 ~~Commission on Alcohol and Drug Abuse~~] shall jointly develop methods  
20 of screening and assessing defendants required to participate in  
21 the program under Article 42A.303 [~~Section 14, Article 42.12~~], Code  
22 of Criminal Procedure, to determine their need for specific types  
23 of treatment for alcohol or drug abuse problems.

24 (c) The program for persons required to participate in the  
25 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of  
26 Criminal Procedure, must consist of treatment programs that may  
27 vary in time from 90 days to 12 months.

1           (d) The program for persons required to participate in the  
2 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of  
3 Criminal Procedure, provided under this section must contain highly  
4 structured work, education, and treatment schedules, a clearly  
5 delineated authority structure, and well-defined goals and  
6 guidelines. The department shall establish a graded system of  
7 rewards and sanctions for defendants who participate in the  
8 program, but a defendant required to participate in the program  
9 under Article 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal  
10 Procedure, is not entitled to earn awards of time for good conduct.  
11 A qualified professional, at least every 60 days, must perform an  
12 evaluation on a defendant that determines the defendant's treatment  
13 progress and institutional behavior. Not later than three days  
14 after the date on which a four-month evaluation is performed, the  
15 qualified professional shall establish a tentative release date for  
16 the defendant, notify the sentencing court of that fact, and  
17 include with the notice a copy of the four-month evaluation. The  
18 qualified professional immediately shall notify the court if the  
19 professional determines the defendant's conduct requires a  
20 revision of the tentative release date.

21           (e) The department shall employ or contract with qualified  
22 professionals to implement the program for persons required to  
23 participate in the program under Article 42A.303 [~~Section 14,~~  
24 ~~Article 42.12~~], Code of Criminal Procedure. For purposes of this  
25 subsection, a "qualified professional" is a person who:

- 26                   (1) is a licensed chemical dependency counselor;  
27                   (2) is a licensed social worker who has at least two

1 years of experience in chemical dependency counseling; or

2 (3) is a licensed professional counselor, physician,  
3 or psychologist and who has at least two years of experience in  
4 chemical dependency counseling.

5 (g) The department shall provide beds for the purpose of  
6 operating the program for persons required to participate in the  
7 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of  
8 Criminal Procedure, [~~as amended by Chapter 900, Acts of the 73rd~~  
9 ~~Legislature, Regular Session, 1993,~~] except that the beds may also  
10 be used to house the following categories of persons:

11 (1) persons transferred under Subchapter A, Chapter  
12 499, and Section 508.118;

13 (2) persons whose community supervision or parole has  
14 been modified;

15 (3) defendants confined in county jails awaiting  
16 transfer to the institutional division; and

17 (4) inmates participating in the program described by  
18 Section 501.0931.

19 (h) On and after the date persons are required under Article  
20 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, to  
21 participate in the program established under this section, the  
22 department shall give priority to housing those persons over the  
23 categories of persons described by Subsections (g)(1)-(4).

24 (k) It is the intent of the legislature that facilities  
25 established under this section be used primarily to house persons  
26 required to participate in the program under Article 42A.303  
27 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, except

1 that if treatment beds are empty, this subsection does not prohibit  
2 the department from using those empty beds to treat the categories  
3 of persons listed in Subsection (g).

4 (q) The department not less often than every two years shall  
5 determine whether the department should increase the number of beds  
6 provided by the department for the operation of the program for  
7 persons required to participate in the program under Article  
8 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure[  
9 ~~as amended by Chapter 900, Acts of the 73rd Legislature, Regular~~  
10 ~~Session, 1993~~].

11 SECTION 2.47. Sections 493.009(f)(1) and (3), Government  
12 Code, are amended to read as follows:

13 (f)(1) The department shall adopt rules of conduct for  
14 persons required to participate in the program under Article  
15 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, or  
16 required to participate in the program following modification of  
17 community supervision or parole.

18 (3) The department, immediately on receiving notice,  
19 shall request the sentencing court to reassume custody of the  
20 defendant if the defendant was required to participate in the  
21 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of  
22 Criminal Procedure, or required to participate in the program  
23 following modification of community supervision. The court shall  
24 reassume custody before the 12th day after the date on which the  
25 department notifies the court. If the court revokes the  
26 defendant's community supervision, the admission of the defendant  
27 to the institutional division is an admission for which the

1 department must account in the scheduled admissions policy  
2 established under Section 499.071.

3 SECTION 2.48. Section 493.017(a), Government Code, is  
4 amended to read as follows:

5 (a) A sex offender correction program that provides  
6 counseling sessions for a sex offender under Article 42A.453  
7 [~~Section 13B, Article 42.12~~], Code of Criminal Procedure, shall  
8 report to the community supervision and corrections department  
9 officer supervising the offender, not later than the 15th day of  
10 each month, the following information about the offender:

11 (1) the total number of counseling sessions attended  
12 by the sex offender during the preceding month; and

13 (2) if during the preceding month the sex offender  
14 terminates participation in the program before completing  
15 counseling, the reason for the sex offender's termination of  
16 counseling.

17 SECTION 2.49. Section 499.027(b), Government Code, is  
18 amended to read as follows:

19 (b) An inmate is not eligible under this subchapter to be  
20 considered for release to intensive supervision parole if:

21 (1) the inmate is awaiting transfer to the  
22 institutional division, or serving a sentence, for an offense for  
23 which the judgment contains an affirmative finding under Article  
24 42A.054(c) or (d) [~~Section 39(a)(2), Article 42.12~~], Code of  
25 Criminal Procedure;

26 (2) the inmate is awaiting transfer to the  
27 institutional division, or serving a sentence, for an offense

1 listed in one of the following sections of the Penal Code:

- 2 (A) Section 19.02 (murder);
- 3 (B) Section 19.03 (capital murder);
- 4 (C) Section 19.04 (manslaughter);
- 5 (D) Section 20.03 (kidnapping);
- 6 (E) Section 20.04 (aggravated kidnapping);
- 7 (F) Section 21.11 (indecent with a child);
- 8 (G) Section 22.011 (sexual assault);
- 9 (H) Section 22.02 (aggravated assault);
- 10 (I) Section 22.021 (aggravated sexual assault);
- 11 (J) Section 22.04 (injury to a child, elderly  
12 individual, or disabled individual);
- 13 (K) Section 25.02 (prohibited sexual conduct);
- 14 (L) Section 25.08 (sale or purchase of a child);
- 15 (M) Section 28.02 (arson);
- 16 (N) Section 29.02 (robbery);
- 17 (O) Section 29.03 (aggravated robbery);
- 18 (P) Section 30.02 (burglary), if the offense is  
19 punished as a first-degree felony under that section;
- 20 (Q) Section 43.04 (aggravated promotion of  
21 prostitution);
- 22 (R) Section 43.05 (compelling prostitution);
- 23 (S) Section 43.24 (sale, distribution, or  
24 display of harmful material to minor);
- 25 (T) Section 43.25 (sexual performance by a  
26 child);
- 27 (U) Section 46.10 (deadly weapon in penal

1 institution);

2 (V) Section 15.01 (criminal attempt), if the  
3 offense attempted is listed in this subsection;

4 (W) Section 15.02 (criminal conspiracy), if the  
5 offense that is the subject of the conspiracy is listed in this  
6 subsection;

7 (X) Section 15.03 (criminal solicitation), if  
8 the offense solicited is listed in this subsection;

9 (Y) Section 21.02 (continuous sexual abuse of  
10 young child or children);

11 (Z) Section 20A.02 (trafficking of persons); or

12 (AA) Section 20A.03 (continuous trafficking of  
13 persons); or

14 (3) the inmate is awaiting transfer to the  
15 institutional division, or serving a sentence, for an offense under  
16 Chapter 481, Health and Safety Code, punishable by a minimum term of  
17 imprisonment or a maximum fine that is greater than the minimum term  
18 of imprisonment or the maximum fine for a first degree felony.

19 SECTION 2.50. Section 499.053(d), Government Code, is  
20 amended to read as follows:

21 (d) A person transferred from the Texas Juvenile Justice  
22 Department for the offense of capital murder shall become eligible  
23 for parole as provided in Section 508.145(d) for an offense listed  
24 in Article 42A.054 [~~Section 39, Article 42.12~~], Code of Criminal  
25 Procedure, or an offense for which a deadly weapon finding has been  
26 made.

27 SECTION 2.51. Section 508.145(d), Government Code, is

1 amended to read as follows:

2 (d)(1) This subsection applies only to an [An] inmate who is  
3 servng a sentence for:

4 (A) an offense described by Article 42A.054(a)  
5 [Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), (K),  
6 (L), (M), or (N), Article 42.12], Code of Criminal Procedure, other  
7 than an offense under Section 19.03, Penal Code;

8 (B) an offense for which the judgment contains an  
9 affirmative finding under Article 42A.054(c) or (d), Code of  
10 Criminal Procedure;

11 (C) [Section 3g(a)(2) of that article, an  
12 offense under Section 20A.03, Penal Code;] or

13 (D) an offense under Section 71.02 or 71.023,  
14 Penal Code.

15 (2) An inmate described by Subdivision (1) [ ] is not  
16 eligible for release on parole until the inmate's actual calendar  
17 time served, without consideration of good conduct time, equals  
18 one-half of the sentence or 30 calendar years, whichever is less,  
19 but in no event is the inmate eligible for release on parole in less  
20 than two calendar years.

21 (3) [ (2) ] Notwithstanding Subdivision (2) [ (1) ], an  
22 inmate who is serving a sentence for an offense under Section  
23 22.021, Penal Code [described by Section 3g(a)(1)(E), Article  
24 42.12, Code of Criminal Procedure], is not eligible for release on  
25 parole if the inmate is serving a sentence for an offense for which  
26 punishment was enhanced under Section 12.42(c)(4), Penal Code.

27 SECTION 2.52. Sections 508.146(a) and (f), Government Code,



1 are amended to read as follows:

2 (a) An inmate other than an inmate who is serving a sentence  
3 of death or life without parole may be released on medically  
4 recommended intensive supervision on a date designated by a parole  
5 panel described by Subsection (e), except that an inmate with an  
6 instant offense that is an offense described in Article 42A.054  
7 [~~Section 3g, Article 42.12~~], Code of Criminal Procedure, or an  
8 inmate who has a reportable conviction or adjudication under  
9 Chapter 62, Code of Criminal Procedure, may only be considered if a  
10 medical condition of terminal illness or long-term care has been  
11 diagnosed by a physician, if:

12 (1) the Texas Correctional Office on Offenders with  
13 Medical or Mental Impairments, in cooperation with the Correctional  
14 Managed Health Care Committee, identifies the inmate as being:

15 (A) a person who is elderly or terminally ill, a  
16 person with mental illness, an intellectual disability, or a  
17 physical disability, [~~physically disabled, mentally ill,~~  
18 ~~terminally ill, or mentally retarded~~] or a person who has [~~having~~]  
19 condition requiring long-term care, if the inmate is an inmate with  
20 an instant offense that is described in Article 42A.054 [~~Section~~  
21 ~~3g, Article 42.12~~], Code of Criminal Procedure; or

22 (B) in a persistent vegetative state or being a  
23 person with an organic brain syndrome with significant to total  
24 mobility impairment, if the inmate is an inmate who has a reportable  
25 conviction or adjudication under Chapter 62, Code of Criminal  
26 Procedure;

27 (2) the parole panel determines that, based on the

1 inmate's condition and a medical evaluation, the inmate does not  
2 constitute a threat to public safety; and

3 (3) the Texas Correctional Office on Offenders with  
4 Medical or Mental Impairments, in cooperation with the pardons and  
5 paroles division, has prepared for the inmate a medically  
6 recommended intensive supervision plan that requires the inmate to  
7 submit to electronic monitoring, places the inmate on  
8 super-intensive supervision, or otherwise ensures appropriate  
9 supervision of the inmate.

10 (f) An inmate who is not a citizen of the United States, as  
11 defined by federal law, who is not under a sentence of death or life  
12 without parole, and who does not have a reportable conviction or  
13 adjudication under Chapter 62, Code of Criminal Procedure, or an  
14 instant offense described in Article 42A.054 [~~Section 3g, Article~~  
15 ~~42.12~~], Code of Criminal Procedure, may be released to immigration  
16 authorities pending deportation on a date designated by a parole  
17 panel described by Subsection (e) if the parole panel determines  
18 that on release the inmate would be deported to another country and  
19 that the inmate does not constitute a threat to public safety in the  
20 other country or this country and is unlikely to reenter this  
21 country illegally.

22 SECTION 2.53. Section 508.149(a), Government Code, is  
23 amended to read as follows:

24 (a) An inmate may not be released to mandatory supervision  
25 if the inmate is serving a sentence for or has been previously  
26 convicted of:

27 (1) an offense for which the judgment contains an

1 affirmative finding under Article 42A.054(c) or (d) [~~Section~~  
2 ~~3g(a)(2), Article 42.12~~], Code of Criminal Procedure;

3 (2) a first degree felony or a second degree felony  
4 under Section 19.02, Penal Code;

5 (3) a capital felony under Section 19.03, Penal Code;

6 (4) a first degree felony or a second degree felony  
7 under Section 20.04, Penal Code;

8 (5) an offense under Section 21.11, Penal Code;

9 (6) a felony under Section 22.011, Penal Code;

10 (7) a first degree felony or a second degree felony  
11 under Section 22.02, Penal Code;

12 (8) a first degree felony under Section 22.021, Penal  
13 Code;

14 (9) a first degree felony under Section 22.04, Penal  
15 Code;

16 (10) a first degree felony under Section 28.02, Penal  
17 Code;

18 (11) a second degree felony under Section 29.02, Penal  
19 Code;

20 (12) a first degree felony under Section 29.03, Penal  
21 Code;

22 (13) a first degree felony under Section 30.02, Penal  
23 Code;

24 (14) a felony for which the punishment is increased  
25 under Section 481.134 or Section 481.140, Health and Safety Code;

26 (15) an offense under Section 43.25, Penal Code;

27 (16) an offense under Section 21.02, Penal Code;

- 1           (17) a first degree felony under Section 15.03, Penal  
2 Code;
- 3           (18) an offense under Section 43.05, Penal Code;
- 4           (19) an offense under Section 20A.02, Penal Code;
- 5           (20) an offense under Section 20A.03, Penal Code; or
- 6           (21) a first degree felony under Section 71.02 or  
7 71.023, Penal Code.

8           SECTION 2.54. Section 508.151(a), Government Code, is  
9 amended to read as follows:

10           (a) For the purpose of diverting inmates to halfway houses  
11 under Section 508.118, a parole panel, after reviewing all  
12 available pertinent information, may designate a presumptive  
13 parole date for an inmate who:

14           (1) has never been convicted of an offense listed  
15 under Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of  
16 Criminal Procedure, or an offense under Section 20A.03 or 21.02,  
17 Penal Code; and

18           (2) has never had a conviction with a judgment that  
19 contains an affirmative finding under Article 42A.054(c) or (d)  
20 [~~Section 3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

21           SECTION 2.55. Section 508.221, Government Code, is amended  
22 to read as follows:

23           Sec. 508.221. CONDITIONS PERMITTED GENERALLY. A parole  
24 panel may impose as a condition of parole or mandatory supervision  
25 any condition that a court may impose on a defendant placed on  
26 community supervision under Chapter 42A [~~Article 42.12~~], Code of  
27 Criminal Procedure, including the condition that a releasee submit

1 to testing for controlled substances or submit to electronic  
2 monitoring if the parole panel determines that without testing for  
3 controlled substances or participation in an electronic monitoring  
4 program the inmate would not be released on parole.

5 SECTION 2.56. Section 508.225(a), Government Code, is  
6 amended to read as follows:

7 (a) If the nature of the offense for which an inmate is  
8 serving a sentence warrants the establishment of a child safety  
9 zone, a parole panel may establish a child safety zone applicable to  
10 an inmate serving a sentence for an offense listed in Article  
11 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal  
12 Procedure, or for which the judgment contains an affirmative  
13 finding under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article~~  
14 ~~42.12~~], Code of Criminal Procedure, by requiring as a condition of  
15 parole or release to mandatory supervision that the inmate not:

16 (1) supervise or participate in any program that  
17 includes as participants or recipients persons who are 17 years of  
18 age or younger and that regularly provides athletic, civic, or  
19 cultural activities; or

20 (2) go in or on, or within a distance specified by the  
21 panel of, a premises where children commonly gather, including a  
22 school, day-care facility, playground, public or private youth  
23 center, public swimming pool, or video arcade facility.

24 SECTION 2.57. Section 509.0071(b), Government Code, is  
25 amended to read as follows:

26 (b) A commitment reduction plan submitted under this  
27 section may contain a request for additional state funding in the

1 manner described by Subsection (e). A commitment reduction plan  
2 must contain:

3 (1) a target number by which the county or counties  
4 served by the department or regional partnership of departments  
5 will, relative to the number of individuals committed in the  
6 preceding state fiscal year from the county or counties to the Texas  
7 Department of Criminal Justice for offenses not listed in or  
8 described by Article 42A.054 [~~Section 3g, Article 42.12~~], Code of  
9 Criminal Procedure, reduce that number in the fiscal year for which  
10 the commitment reduction plan is submitted by reducing the number  
11 of:

- 12 (A) direct sentencing commitments;  
13 (B) community supervision revocations; or  
14 (C) direct sentencing commitments and community  
15 supervision revocations;

16 (2) a calculation, based on the most recent Criminal  
17 Justice Uniform Cost Report published by the Legislative Budget  
18 Board, of the savings to the state that will result from the county  
19 or counties reaching the target number described by Subdivision  
20 (1);

21 (3) an explanation of the programs and services the  
22 department or regional partnership of departments intends to  
23 provide using any funding received under Subsection (e)(1),  
24 including any programs or services designed to enhance public  
25 safety, reduce recidivism, strengthen the investigation and  
26 prosecution of criminal offenses, improve programs and services  
27 available to victims of crime, and increase the amount of

1 restitution collected from persons supervised by the department or  
2 regional partnership of departments;

3 (4) a pledge by the department or regional partnership  
4 of departments to provide accurate data to the division at the time  
5 and in the manner required by the division;

6 (5) a pledge to repay to the state, not later than the  
7 30th day after the last day of the state fiscal year in which the  
8 lump-sum award is made, a percentage of the lump sum received under  
9 Subsection (e)(1) that is equal to the percentage by which the  
10 county or counties fail to reach the target number described by  
11 Subdivision (1), if the county or counties do not reach that target  
12 number; and

13 (6) if the commitment reduction plan is submitted by a  
14 regional partnership of departments, an agreement and plan for the  
15 receipt, division, and administration of any funding received under  
16 Subsection (e).

17 SECTION 2.58. Section 509.015, Government Code, is amended  
18 to read as follows:

19 Sec. 509.015. TREATMENT STANDARDS FOR CERTAIN STATE JAIL  
20 FELONIES. The division shall propose and the board shall adopt best  
21 practices standards for substance abuse treatment conditions  
22 imposed under Article 42A.554(c) [~~Section 15(c)(2), Article~~  
23 ~~42.12~~], Code of Criminal Procedure.

24 SECTION 2.59. Section 509.017, Government Code, is amended  
25 to read as follows:

26 Sec. 509.017. SPECIAL ALLOCATION FOR CERTAIN DEFENDANTS  
27 PLACED ON STATE JAIL FELONY COMMUNITY SUPERVISION. Notwithstanding

1 any other provision of this chapter, the Texas Department of  
2 Criminal Justice shall adopt policies and procedures to:

3 (1) determine the cost savings to the Texas Department  
4 of Criminal Justice realized through the release of defendants on  
5 community supervision under Article 42A.551(d)(2)(B) [~~Section~~  
6 ~~15(a)(2)(B)(ii), Article 42.12~~], Code of Criminal Procedure; and

7 (2) provide 30 percent of that cost savings to the  
8 division to be allocated to individual departments and used for the  
9 same purpose that state aid is used under Section 509.011.

10 SECTION 2.60. Section 557.001(c), Government Code, is  
11 amended to read as follows:

12 (c) A person convicted of an offense under this section may  
13 not receive community supervision [~~probation~~] under Chapter 42A  
14 [~~Article 42.12~~], Code of Criminal Procedure.

15 SECTION 2.61. Section 772.0071(a)(1), Government Code, is  
16 amended to read as follows:

17 (1) "Border crime" means any crime that occurs in the  
18 border region and that undermines public safety or security,  
19 including an offense:

20 (A) during the prosecution of which an  
21 affirmative finding may be requested under Article 42A.054(c) or  
22 (d) [~~Section 3g(a)(2), Article 42.12~~], Code of Criminal Procedure;

23 (B) under Chapter 19, 20, 20A, 46, or 71, Penal  
24 Code;

25 (C) under Title 7 or 8, Penal Code;

26 (D) under Chapter 481, Health and Safety Code;

27 (E) committed by a person who is not a citizen or



1 national of the United States and is not lawfully present in the  
2 United States; or

3 (F) that is coordinated with or related to  
4 activities or crimes that occur or are committed in the United  
5 Mexican States.

6 SECTION 2.62. Section 2001.221, Government Code, is amended  
7 to read as follows:

8 Sec. 2001.221. DRIVER'S LICENSES. This chapter does not  
9 apply to a suspension, revocation, cancellation, denial, or  
10 disqualification of a driver's license or commercial driver's  
11 license as authorized by:

12 (1) Subchapter N, Chapter 521, Transportation Code,  
13 except Sections 521.304 and 521.305 of that subchapter, or by  
14 Subchapter O or P of that chapter;

15 (2) Chapter 522, Transportation Code;

16 (3) Chapter 601, Transportation Code; or

17 (4) Article 42A.406 or 42A.407 [~~Section 13, Article~~  
18 42.12], Code of Criminal Procedure.

19 SECTION 2.63. Section 2002.023, Government Code, is amended  
20 to read as follows:

21 Sec. 2002.023. EXCEPTIONS. This subchapter does not apply  
22 to:

23 (1) a suspension, revocation, cancellation, denial,  
24 or disqualification of a driver's license or commercial driver's  
25 license as authorized by:

26 (A) Subchapter N, Chapter 521, Transportation  
27 Code, except Sections 521.304 and 521.305 of that subchapter, or by

1 Subchapter O or P of that chapter;

2 (B) Chapter 522, Transportation Code;

3 (C) Chapter 601, Transportation Code;

4 (D) Chapter 724, Transportation Code; or

5 (E) Article 42A.406 or 42A.407 [~~Section 13,~~  
6 ~~Article 42.12~~], Code of Criminal Procedure;

7 (2) matters related solely to the internal personnel  
8 rules and practices of a state agency;

9 (3) the Texas Workforce Commission, other than to  
10 matters of unemployment insurance maintained by the commission; or

11 (4) a rule or internal procedure of the Texas  
12 Department of Criminal Justice or Texas Board of Criminal Justice  
13 that applies to an inmate or any other person under the custody or  
14 control of the department or to an action taken under that rule or  
15 procedure.

16 SECTION 2.64. Section [81.093\(b\)](#), Health and Safety Code, is  
17 amended to read as follows:

18 (b) The court shall order that a presentence  
19 [~~presentencing~~] report be prepared under Subchapter F, Chapter 42A  
20 [~~Section 9, Article 42.12~~], Code of Criminal Procedure, to  
21 determine if a person convicted of an offense under Chapter 481  
22 (Texas Controlled Substances Act) or under Sections [485.031](#) through  
23 [485.035](#) should be subject to Section [81.083](#) and Subchapter G.

24 SECTION 2.65. Section [169.001\(b\)](#), Health and Safety Code,  
25 is amended to read as follows:

26 (b) If a defendant successfully completes a first offender  
27 prostitution prevention program, regardless of whether the

1 defendant was convicted of the offense for which the defendant  
2 entered the program or whether the court deferred further  
3 proceedings without entering an adjudication of guilt, after notice  
4 to the state and a hearing on whether the defendant is otherwise  
5 entitled to the petition, including whether the required time  
6 period has elapsed, and whether issuance of the order is in the best  
7 interest of justice, the court shall enter an order of  
8 nondisclosure under Section 411.081, Government Code, as if the  
9 defendant had received a discharge and dismissal under Article  
10 42A.111 [~~Section 5(c), Article 42.12~~], Code of Criminal Procedure,  
11 with respect to all records and files related to the defendant's  
12 arrest for the offense for which the defendant entered the program  
13 if the defendant:

14 (1) has not been previously convicted of a felony  
15 offense; and

16 (2) is not convicted of any other felony offense  
17 before the second anniversary of the defendant's successful  
18 completion of the program.

19 SECTION 2.66. Section 169.002(b), Health and Safety Code,  
20 is amended to read as follows:

21 (b) A defendant is eligible to participate in a first  
22 offender prostitution prevention program established under this  
23 chapter only if:

24 (1) the attorney representing the state consents to  
25 the defendant's participation in the program; and

26 (2) the court in which the criminal case is pending  
27 finds that the defendant has not been previously convicted of:

1 (A) an offense under Section 20A.02, 43.02,  
2 43.03, 43.04, or 43.05, Penal Code;

3 (B) an offense listed in Article 42A.054(a)  
4 [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal Procedure; or

5 (C) an offense punishable as a felony under  
6 Chapter 481.

7 SECTION 2.67. Section 169A.001(b), Health and Safety Code,  
8 is amended to read as follows:

9 (b) If a defendant successfully completes a prostitution  
10 prevention program, regardless of whether the defendant was  
11 convicted of the offense for which the defendant entered the  
12 program or whether the court deferred further proceedings without  
13 entering an adjudication of guilt, after notice to the state and a  
14 hearing on whether the defendant is otherwise entitled to the  
15 petition, including whether the required time has elapsed, and  
16 whether issuance of the order is in the best interest of justice,  
17 the court shall enter an order of nondisclosure under Section  
18 411.081, Government Code, as if the defendant had received a  
19 discharge and dismissal under Article 42A.111 [~~Section 5(c),~~  
20 ~~Article 42.12~~], Code of Criminal Procedure, with respect to all  
21 records and files related to the defendant's arrest for the offense  
22 for which the defendant entered the program.

23 SECTION 2.68. Section 250.006(d), Health and Safety Code,  
24 is amended to read as follows:

25 (d) For purposes of this section, a person who is placed on  
26 deferred adjudication community supervision for an offense listed  
27 in this section, successfully completes the period of deferred

1 adjudication community supervision, and receives a dismissal and  
2 discharge in accordance with Article 42A.111 [~~Section 5(c), Article~~  
3 ~~42.12~~], Code of Criminal Procedure, is not considered convicted of  
4 the offense for which the person received deferred adjudication  
5 community supervision.

6 SECTION 2.69. Section 534.053(c), Health and Safety Code,  
7 is amended to read as follows:

8 (c) To the extent that resources are available, the  
9 department shall:

10 (1) ensure that the services listed in this section  
11 are available for children, including adolescents, as well as  
12 adults, in each service area;

13 (2) emphasize early intervention services for  
14 children, including adolescents, who meet the department's  
15 definition of being at high risk of developing severe emotional  
16 disturbances or severe mental illnesses; and

17 (3) ensure that services listed in this section are  
18 available for defendants required to submit to mental health  
19 treatment under Article 17.032, 42A.104, or 42A.506 [~~Section 5(a)~~  
20 ~~or 11(d), Article 42.12~~], Code of Criminal Procedure.

21 SECTION 2.70. Section 614.0032(a), Health and Safety Code,  
22 is amended to read as follows:

23 (a) The office shall:

24 (1) perform duties imposed on the office by Section  
25 508.146, Government Code; and

26 (2) periodically identify state jail felony  
27 defendants suitable for release under Article 42A.561 [~~Section~~

1 ~~15(i), Article 42.12]~~, Code of Criminal Procedure, and perform  
2 other duties imposed on the office by that article [~~section~~].

3 SECTION 2.71. Section 773.0614(c), Health and Safety Code,  
4 is amended to read as follows:

5 (c) A certificate holder's certificate shall be revoked if  
6 the certificate holder has been convicted of or placed on deferred  
7 adjudication community supervision or deferred disposition for:

8 (1) an offense listed in Article 42A.054(a)(2), (3),  
9 (4), (6), (7), (8), (10), or (14) [~~Sections 3g(a)(1)(A) through~~  
10 ~~(H), Article 42.12]~~, Code of Criminal Procedure; or

11 (2) an offense, other than an offense described by  
12 Subdivision (1), committed on or after September 1, 2009, for which  
13 the person is subject to registration under Chapter 62, Code of  
14 Criminal Procedure.

15 SECTION 2.72. Section 773.06141(a), Health and Safety Code,  
16 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
17 Session, 2015, is amended to read as follows:

18 (a) The department may suspend, revoke, or deny an emergency  
19 medical services provider license on the grounds that the  
20 provider's administrator of record, employee, or other  
21 representative:

22 (1) has been convicted of, or placed on deferred  
23 adjudication community supervision or deferred disposition for, an  
24 offense that directly relates to the duties and responsibilities of  
25 the administrator, employee, or representative, other than an  
26 offense for which points are assigned under Section 708.052,  
27 Transportation Code;

1           (2) has been convicted of or placed on deferred  
2 adjudication community supervision or deferred disposition for an  
3 offense, including:

4           (A) an offense listed in Article 42A.054(a)(2),  
5 (3), (4), (6), (7), (8), (10), or (14) [~~Sections 3g(a)(1)(A)~~  
6 ~~through (H), Article 42.12~~], Code of Criminal Procedure; or

7           (B) an offense, other than an offense described  
8 by Subdivision (1), for which the person is subject to registration  
9 under Chapter 62, Code of Criminal Procedure; or

10          (3) has been convicted of Medicare or Medicaid fraud,  
11 has been excluded from participation in the state Medicaid program,  
12 or has a hold on payment for reimbursement under the state Medicaid  
13 program under Subchapter C, Chapter 531, Government Code.

14          SECTION 2.73. Section 841.082(a), Health and Safety Code,  
15 is amended to read as follows:

16          (a) Before entering an order directing a person's  
17 outpatient civil commitment, the judge shall impose on the person  
18 requirements necessary to ensure the person's compliance with  
19 treatment and supervision and to protect the community. The  
20 requirements shall include:

21           (1) requiring the person to reside in a Texas  
22 residential facility under contract with the office or at another  
23 location or facility approved by the office;

24           (2) prohibiting the person's contact with a victim or  
25 potential victim of the person;

26           (3) prohibiting the person's possession or use of  
27 alcohol, inhalants, or a controlled substance;

1           (4) requiring the person's participation in and  
2 compliance with a specific course of treatment provided by the  
3 office and compliance with all written requirements imposed by the  
4 case manager or otherwise by the office;

5           (5) requiring the person to:

6                 (A) submit to tracking under a particular type of  
7 tracking service and to any other appropriate supervision; and

8                 (B) refrain from tampering with, altering,  
9 modifying, obstructing, or manipulating the tracking equipment;

10           (6) prohibiting the person from changing the person's  
11 residence without prior authorization from the judge and from  
12 leaving the state without that prior authorization;

13           (7) if determined appropriate by the judge,  
14 establishing a child safety zone in the same manner as a child  
15 safety zone is established by a judge under Article 42A.453  
16 [~~Section 13B, Article 42.12~~], Code of Criminal Procedure, and  
17 requiring the person to comply with requirements related to the  
18 safety zone; and

19           (8) any other requirements determined necessary by the  
20 judge.

21           SECTION 2.74. Section 133.055(b), Local Government Code, is  
22 amended to read as follows:

23           (b) If the treasurer does not collect any fees during a  
24 calendar quarter, the treasurer shall file the report required for  
25 the quarter in the regular manner. The report must state that no  
26 fees were collected. This subsection does not apply to fees  
27 collected under Article 42A.303 or 42A.653 [~~Sections 14 and 19,~~



1 ~~Article 42.12~~], Code of Criminal Procedure, or under Section  
2 76.013, Government Code.

3 SECTION 2.75. Section 133.058(d), Local Government Code, is  
4 amended to read as follows:

5 (d) A county may not retain a service fee on the collection  
6 of a fee:

7 (1) for the judicial fund;

8 (2) under Article 42A.303 or 42A.653 [~~Sections 14 and~~  
9 ~~19, Article 42.12~~], Code of Criminal Procedure; or

10 (3) under Section 51.851, Government Code.

11 SECTION 2.76. Section 152.017, Local Government Code, is  
12 amended to read as follows:

13 Sec. 152.017. EXCEPTIONS. This subchapter does not apply  
14 to:

15 (1) a judge of a court of record;

16 (2) a presiding judge of a commissioners court in a  
17 county with a population of 3.3 million or more;

18 (3) a district attorney paid wholly by state funds or  
19 the district attorney's assistants, investigators, or other  
20 employees;

21 (4) a county auditor, county purchasing agent, or the  
22 auditor's or purchasing agent's assistants or other employees; or

23 (5) a person employed under Section 76.004, Government  
24 Code [~~10, Article 42.12, Code of Criminal Procedure~~].

25 SECTION 2.77. Section 157.002(a), Local Government Code, is  
26 amended to read as follows:

27 (a) The commissioners court by rule may provide for medical

1 care and hospitalization and may provide for compensation,  
2 accident, hospital, and disability insurance for the following  
3 persons if their salaries are paid from the funds of the county or  
4 funds of a flood control district located entirely in the county, or  
5 funds of a hospital district described by Section 281.0475, Health  
6 and Safety Code, located entirely in the county, or if they are  
7 employees of another governmental entity for which the county is  
8 obligated to provide benefits:

9 (1) deputies, assistants, and other employees of the  
10 county, or of the flood control district, or of the hospital  
11 district, who work under the commissioners court or its appointees;

12 (2) county and district officers and their deputies  
13 and assistants appointed under Subchapter A, Chapter 151;

14 (3) employees appointed under Section 76.004(b),  
15 Government Code [~~10(a), Article 42.12, Code of Criminal Procedure~~];

16 (4) any retired person formerly holding any status  
17 listed above; and

18 (5) the dependents of any person listed above.

19 SECTION 2.78. Section 352.082(d), Local Government Code, is  
20 amended to read as follows:

21 (d) An offense under this section is a Class C misdemeanor.  
22 On conviction of an offense under this section, the court shall  
23 require the defendant, in addition to any fine, to perform  
24 community service as provided by Article 42A.304(e) [~~Section 16(e),~~  
25 ~~Article 42.12~~], Code of Criminal Procedure.

26 SECTION 2.79. Section 53.021(a), Occupations Code, is  
27 amended to read as follows:

1 (a) A licensing authority may suspend or revoke a license,  
2 disqualify a person from receiving a license, or deny to a person  
3 the opportunity to take a licensing examination on the grounds that  
4 the person has been convicted of:

5 (1) an offense that directly relates to the duties and  
6 responsibilities of the licensed occupation;

7 (2) an offense that does not directly relate to the  
8 duties and responsibilities of the licensed occupation and that was  
9 committed less than five years before the date the person applies  
10 for the license;

11 (3) an offense listed in Article 42A.054 [~~Section 3g,~~  
12 ~~Article 42.12~~], Code of Criminal Procedure; or

13 (4) a sexually violent offense, as defined by Article  
14 62.001, Code of Criminal Procedure.

15 SECTION 2.80. Section 109.001(3), Occupations Code, is  
16 amended to read as follows:

17 (3) "Sex offender" has the meaning assigned by Article  
18 42A.251(2) [~~Section 9(m), Article 42.12~~], Code of Criminal  
19 Procedure.

20 SECTION 2.81. Section 12.35(c), Penal Code, is amended to  
21 read as follows:

22 (c) An individual adjudged guilty of a state jail felony  
23 shall be punished for a third degree felony if it is shown on the  
24 trial of the offense that:

25 (1) a deadly weapon as defined by Section 1.07 was used  
26 or exhibited during the commission of the offense or during  
27 immediate flight following the commission of the offense, and that

1 the individual used or exhibited the deadly weapon or was a party to  
2 the offense and knew that a deadly weapon would be used or  
3 exhibited; or

4 (2) the individual has previously been finally  
5 convicted of any felony:

6 (A) under Section 20A.03 or 21.02 or listed in  
7 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of  
8 Criminal Procedure; or

9 (B) for which the judgment contains an  
10 affirmative finding under Article 42A.054(c) or (d) [~~Section~~  
11 ~~3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

12 SECTION 2.82. Section 12.42(h), Penal Code, is amended to  
13 read as follows:

14 (h) In this section, "sexually violent offense" means an  
15 offense:

16 (1) described by Article 62.001(6), Code of Criminal  
17 Procedure; and

18 (2) for which an affirmative finding has been entered  
19 under Article 42.015(b) or 42A.105(a) [~~Section 5(c)(2), Article~~  
20 ~~42.12~~], Code of Criminal Procedure, for an offense other than an  
21 offense under Section 21.02 or 22.021.

22 SECTION 2.83. Section 15.031(a), Penal Code, is amended to  
23 read as follows:

24 (a) A person commits an offense if, with intent that an  
25 offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~  
26 ~~42.12~~], Code of Criminal Procedure, be committed, the person  
27 requests, commands, or attempts to induce a minor to engage in

1 specific conduct that, under the circumstances surrounding the  
2 actor's conduct as the actor believes them to be, would constitute  
3 an offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~  
4 ~~42.12,~~] or make the minor a party to the commission of an offense  
5 listed by Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~].

6 SECTION 2.84. Section 49.09(h), Penal Code, is amended to  
7 read as follows:

8 (h) This subsection applies only to a person convicted of a  
9 second or subsequent offense relating to the operating of a motor  
10 vehicle while intoxicated committed within five years of the date  
11 on which the most recent preceding offense was committed. The court  
12 shall enter an order that requires the defendant to have a device  
13 installed, on each motor vehicle owned or operated by the  
14 defendant, that uses a deep-lung breath analysis mechanism to make  
15 impractical the operation of the motor vehicle if ethyl alcohol is  
16 detected in the breath of the operator, and that requires that  
17 before the first anniversary of the ending date of the period of  
18 license suspension under Section 521.344, Transportation Code, the  
19 defendant not operate any motor vehicle that is not equipped with  
20 that device. The court shall require the defendant to obtain the  
21 device at the defendant's own cost on or before that ending date,  
22 require the defendant to provide evidence to the court on or before  
23 that ending date that the device has been installed on each  
24 appropriate vehicle, and order the device to remain installed on  
25 each vehicle until the first anniversary of that ending date. If  
26 the court determines the offender is unable to pay for the device,  
27 the court may impose a reasonable payment schedule not to extend

1 beyond the first anniversary of the date of installation. The  
2 Department of Public Safety shall approve devices for use under  
3 this subsection. Section 521.247, Transportation Code, applies to  
4 the approval of a device under this subsection and the consequences  
5 of that approval. Failure to comply with an order entered under  
6 this subsection is punishable by contempt. For the purpose of  
7 enforcing this subsection, the court that enters an order under  
8 this subsection retains jurisdiction over the defendant until the  
9 date on which the device is no longer required to remain installed.  
10 To the extent of a conflict between this subsection and Article  
11 42A.408 [~~Section 13(i), Article 42.12~~], Code of Criminal Procedure,  
12 this subsection controls.

13 SECTION 2.85. Section 71.023(a), Penal Code, is amended to  
14 read as follows:

15 (a) A person commits an offense if the person, as part of the  
16 identifiable leadership of a criminal street gang, knowingly  
17 finances, directs, or supervises the commission of, or a conspiracy  
18 to commit, one or more of the following offenses by members of a  
19 criminal street gang:

20 (1) a felony offense that is listed in Article  
21 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal  
22 Procedure;

23 (2) a felony offense for which it is shown that a  
24 deadly weapon, as defined by Section 1.07, was used or exhibited  
25 during the commission of the offense or during immediate flight  
26 from the commission of the offense; or

27 (3) an offense that is punishable under Section

1 481.112(e), 481.112(f), 481.1121(b)(4), 481.115(f), or  
2 481.120(b)(6), Health and Safety Code.

3 SECTION 2.86. Section 521.245(b), Transportation Code, is  
4 amended to read as follows:

5 (b) The program required under Subsection (a) may not be the  
6 program provided by Section 521.344 or by Article 42A.403 or  
7 42A.404 [~~Section 13, Article 42.12~~], Code of Criminal Procedure.

8 SECTION 2.87. Section 521.320(f), Transportation Code, is  
9 amended to read as follows:

10 (f) For the purposes of this section, a person is convicted  
11 of an offense regardless of whether sentence is imposed or the  
12 person is placed on community supervision for the offense under  
13 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure.

14 SECTION 2.88. Section 521.342(b), Transportation Code, is  
15 amended to read as follows:

16 (b) The department shall suspend for one year the license of  
17 a person who is under 21 years of age and is convicted of an offense  
18 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,  
19 regardless of whether the person is required to attend an  
20 educational program under Article 42A.403 [~~Section 13(h), Article~~  
21 ~~42.12~~], Code of Criminal Procedure, that is designed to  
22 rehabilitate persons who have operated motor vehicles while  
23 intoxicated, unless the person is placed under community  
24 supervision under Chapter 42A, Code of Criminal Procedure, [~~that~~  
25 ~~article~~] and is required as a condition of the community  
26 supervision to not operate a motor vehicle unless the vehicle is  
27 equipped with the device described by Article 42A.408 [~~Section~~

1 ~~13(i)]~~ of that chapter [~~article~~]. If the person is required to  
2 attend such a program and does not complete the program before the  
3 end of the person's suspension, the department shall suspend the  
4 person's license or continue the suspension, as appropriate, until  
5 the department receives proof that the person has successfully  
6 completed the program. On the person's successful completion of  
7 the program, the person's instructor shall give notice to the  
8 department and to the community supervision and corrections  
9 department in the manner provided by Article 42A.406(b) [~~Section~~  
10 ~~13(h), Article 42.12]~~, Code of Criminal Procedure.

11 SECTION 2.89. Sections 521.344(d), (f), and (i),  
12 Transportation Code, are amended to read as follows:

13 (d) Except as provided by Subsection (e) and Section  
14 521.342(b), during a period of probation the department may not  
15 revoke the person's license if the person is required under Article  
16 42A.403 or 42A.404 [~~Section 13(h) or (j), Article 42.12]~~, Code of  
17 Criminal Procedure, to successfully complete an educational  
18 program designed to rehabilitate persons who have operated motor  
19 vehicles while intoxicated, unless the person was punished under  
20 Section 49.09(a) or (b), Penal Code, and was subject to Section  
21 49.09(h) of that code. The department may not revoke the license of  
22 a person:

23 (1) for whom the jury has recommended that the license  
24 not be revoked under Article 42A.407(a) [~~Section 13(g), Article~~  
25 ~~42.12]~~, Code of Criminal Procedure; or

26 (2) who is placed under community supervision under  
27 Chapter 42A, Code of Criminal Procedure, [~~that article~~] and is



1 required as a condition of community supervision to not operate a  
2 motor vehicle unless the vehicle is equipped with the device  
3 described by Article 42A.408 [~~Section 13(i)~~] of that chapter  
4 [~~article~~], unless the person was punished under Section 49.09(a) or  
5 (b), Penal Code, and was subject to Section 49.09(g) of that code.

6 (f) After the date has passed, according to department  
7 records, for successful completion of an educational program for  
8 repeat offenders as required by Article 42A.404 [~~Section 13,~~  
9 ~~Article 42.12~~], Code of Criminal Procedure, the director shall  
10 suspend the license of a person who does not successfully complete  
11 the program or, if the person is a resident without a license, shall  
12 issue an order prohibiting the person from obtaining a license.

13 (i) On the date that a suspension order under Section  
14 521.343(c) is to expire, the period of suspension or the  
15 corresponding period in which the department is prohibited from  
16 issuing a license is automatically increased to two years unless  
17 the department receives notice of successful completion of the  
18 educational program as required by Article 42A.406 [~~Section 13,~~  
19 ~~Article 42.12~~], Code of Criminal Procedure. At the time a person is  
20 convicted of an offense under Section 49.04 or 49.045, Penal Code,  
21 the court shall warn the person of the effect of this subsection.  
22 On the person's successful completion of the program, the person's  
23 instructor shall give notice to the department and to the community  
24 supervision and corrections department in the manner required by  
25 Article 42A.406(b) [~~Section 13, Article 42.12~~], Code of Criminal  
26 Procedure. If the department receives proof of completion after a  
27 period has been extended under this subsection, the department

1 shall immediately end the suspension or prohibition.

2 SECTION 2.90. Section 521.350(d), Transportation Code, is  
3 amended to read as follows:

4 (d) A person whose license is suspended under Subsection (a)  
5 shall be required by the court in which the person was convicted to  
6 perform at least 10 hours of community service as ordered by the  
7 court. If the person is a resident of this state without a driver's  
8 license to operate a motor vehicle, the court shall issue an order  
9 prohibiting the department from issuing the person a driver's  
10 license before the person completes the community service.  
11 Community service required under this subsection is in addition to  
12 any community service required of the person as a condition of  
13 community supervision under Article 42A.304 [~~Section 16, Article~~  
14 ~~42.12~~], Code of Criminal Procedure.

15 SECTION 2.91. Section 522.088, Transportation Code, is  
16 amended to read as follows:

17 Sec. 522.088. APPLICABILITY OF OTHER LAW. Section 521.344  
18 of this code and Subchapter I, Chapter 42A [~~Section 13, Article~~  
19 ~~42.12~~], Code of Criminal Procedure, except Article 42A.409 of that  
20 subchapter, do not apply to a person disqualified under this  
21 chapter.

22 ARTICLE 3. REPEALER

23 SECTION 3.01. Article 42.12, Code of Criminal Procedure, is  
24 repealed.

25 ARTICLE 4. GENERAL MATTERS

26 SECTION 4.01. This Act is enacted under Section 43, Article  
27 III, Texas Constitution. This Act is intended as a codification

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1 only, and no substantive change in the law is intended by this Act.

2 SECTION 4.02. This Act takes effect January 1, 2017.