

1-1 By: Riddle (Senate Sponsor - Whitmire) H.B. No. 2299
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 21, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

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

1-17 relating to the nonsubstantive revision of certain laws concerning
 1-18 community supervision granted in criminal cases, including
 1-19 conforming amendments.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 ARTICLE 1. NONSUBSTANTIVE REVISION OF COMMUNITY SUPERVISION LAWS

1-22 SECTION 1.01. Title 1, Code of Criminal Procedure, is
 1-23 amended by adding Chapter 42A to read as follows:

1-24 CHAPTER 42A. COMMUNITY SUPERVISION

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Art. 42A.001. DEFINITIONS

1-27 SUBCHAPTER B. PLACEMENT ON COMMUNITY SUPERVISION

1-28 Art. 42A.051. AUTHORITY TO GRANT COMMUNITY

1-29 SUPERVISION, IMPOSE OR MODIFY

1-30 CONDITIONS, OR DISCHARGE DEFENDANT

1-31 Art. 42A.052. MODIFICATION OF CONDITIONS BY

1-32 SUPERVISION OFFICER OR MAGISTRATE

1-33 Art. 42A.053. JUDGE-ORDERED COMMUNITY SUPERVISION

1-34 Art. 42A.054. LIMITATION ON JUDGE-ORDERED COMMUNITY

1-35 SUPERVISION

1-36 Art. 42A.055. JURY-RECOMMENDED COMMUNITY SUPERVISION

1-37 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY

1-38 SUPERVISION

1-39 Art. 42A.057. MINIMUM PERIOD OF COMMUNITY SUPERVISION FOR

1-40 CERTAIN BURGLARIES OF VEHICLES

1-41 SUBCHAPTER C. DEFERRED ADJUDICATION COMMUNITY SUPERVISION

1-42 Art. 42A.101. PLACEMENT ON DEFERRED ADJUDICATION

1-43 COMMUNITY SUPERVISION

1-44 Art. 42A.102. ELIGIBILITY FOR DEFERRED ADJUDICATION

1-45 COMMUNITY SUPERVISION

1-46 Art. 42A.103. PERIOD OF DEFERRED ADJUDICATION

1-47 COMMUNITY SUPERVISION

1-48 Art. 42A.104. CONDITIONS OF DEFERRED ADJUDICATION

1-49 COMMUNITY SUPERVISION; IMPOSITION OF

1-50 FINE

1-51 Art. 42A.105. AFFIRMATIVE FINDINGS

1-52 Art. 42A.106. RECORD NOT CONFIDENTIAL; RIGHT TO

1-53 PETITION FOR ORDER OF NONDISCLOSURE

1-54 Art. 42A.107. REQUEST FOR FINAL ADJUDICATION

1-55 Art. 42A.108. VIOLATION OF CONDITION OF DEFERRED

1-56 ADJUDICATION COMMUNITY SUPERVISION;

1-57 HEARING

1-58 Art. 42A.109. DUE DILIGENCE DEFENSE

1-59 Art. 42A.110. PROCEEDINGS AFTER ADJUDICATION

1-60 Art. 42A.111. DISMISSAL AND DISCHARGE

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- 2-2 Art. 42A.151. TRANSFER OF JURISDICTION
- 2-3 Art. 42A.152. ISSUANCE OF WARRANT BY COURT HAVING
- 2-4 GEOGRAPHICAL JURISDICTION
- 2-5 Art. 42A.153. CHANGE OF RESIDENCE WITHIN THE STATE
- 2-6 Art. 42A.154. LEAVING THE STATE
- 2-7 SUBCHAPTER E. PARTIAL EXECUTION OF SENTENCE; CONTINUING
- 2-8 JURISDICTION
- 2-9 Art. 42A.201. CONTINUING JURISDICTION IN MISDEMEANOR
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4-16 Art. 42A.753. EXTENSION OF COMMUNITY SUPERVISION AFTER
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4-18 Art. 42A.754. AUTHORITY TO REVOKE COMMUNITY
4-19 SUPERVISION
4-20 Art. 42A.755. REVOCATION OF COMMUNITY SUPERVISION
4-21 Art. 42A.756. DUE DILIGENCE DEFENSE
4-22 Art. 42A.757. EXTENSION OF COMMUNITY SUPERVISION FOR
4-23 CERTAIN SEX OFFENDERS
4-24 CHAPTER 42A. COMMUNITY SUPERVISION
4-25 SUBCHAPTER A. GENERAL PROVISIONS
4-26 Art. 42A.001. DEFINITIONS. In this chapter:
4-27 (1) "Community supervision" means the placement of a
4-28 defendant by a court under a continuum of programs and sanctions,
4-29 with conditions imposed by the court for a specified period during
4-30 which:
4-31 (A) criminal proceedings are deferred without an
4-32 adjudication of guilt; or
4-33 (B) a sentence of imprisonment or confinement,
4-34 imprisonment and fine, or confinement and fine, is probated and the
4-35 imposition of sentence is suspended in whole or in part.
4-36 (2) "Court" means a court of record having original
4-37 criminal jurisdiction.
4-38 (3) "Electronic monitoring" includes voice tracking
4-39 systems, position tracking systems, position location systems,
4-40 biometric tracking systems, and any other electronic or
4-41 telecommunications system that may be used to assist in the
4-42 supervision of defendants under this chapter.
4-43 (4) "Supervision officer" means a person appointed or
4-44 employed under Section 76.004, Government Code, to supervise
4-45 defendants placed on community supervision. (Code Crim. Proc.,
4-46 Art. 42.12, Sec. 2.)
4-47 SUBCHAPTER B. PLACEMENT ON COMMUNITY SUPERVISION
4-48 Art. 42A.051. AUTHORITY TO GRANT COMMUNITY SUPERVISION,
4-49 IMPOSE OR MODIFY CONDITIONS, OR DISCHARGE DEFENDANT. (a) Unless
4-50 the judge has transferred jurisdiction of the case to another court
4-51 under Article 42A.151, only the court in which the defendant was
4-52 tried may:
4-53 (1) grant community supervision;
4-54 (2) impose conditions; or
4-55 (3) discharge the defendant.
4-56 (b) The judge of the court having jurisdiction of the case
4-57 may, at any time during the period of community supervision, modify
4-58 the conditions of community supervision. Except as provided by
4-59 Article 42A.052(a), only the judge may modify the conditions.
4-60 (Code Crim. Proc., Art. 42.12, Secs. 10(a) (part), 11(a) (part).)
4-61 Art. 42A.052. MODIFICATION OF CONDITIONS BY SUPERVISION
4-62 OFFICER OR MAGISTRATE. (a) A judge who places a defendant on
4-63 community supervision may authorize the supervision officer
4-64 supervising the defendant or a magistrate appointed by the district
4-65 courts in the county that give preference to criminal cases to
4-66 modify the conditions of community supervision for the limited
4-67 purpose of transferring the defendant to different programs within
4-68 the community supervision continuum of programs and sanctions.
4-69 (b) A supervision officer or magistrate who modifies the

5-1 conditions of community supervision shall:

5-2 (1) deliver a copy of the modified conditions to the
5-3 defendant;

5-4 (2) file a copy of the modified conditions with the
5-5 sentencing court; and

5-6 (3) note the date of delivery of the copy in the
5-7 defendant's file.

5-8 (c) If the defendant agrees to the modification in writing,
5-9 the officer or magistrate shall file a copy of the modified
5-10 conditions with the district clerk and the conditions shall be
5-11 enforced as modified. If the defendant does not agree to the
5-12 modification in writing, the supervision officer or magistrate
5-13 shall refer the case to the judge for modification in the manner
5-14 provided by Article 42A.752. (Code Crim. Proc., Art. 42.12, Secs.
5-15 10(d), (e).)

5-16 Art. 42A.053. JUDGE-ORDERED COMMUNITY SUPERVISION. (a) A
5-17 judge, in the best interest of justice, the public, and the
5-18 defendant, after conviction or a plea of guilty or nolo contendere,
5-19 may:

5-20 (1) suspend the imposition of the sentence and place
5-21 the defendant on community supervision; or

5-22 (2) impose a fine applicable to the offense and place
5-23 the defendant on community supervision.

5-24 (b) A judge may not deny community supervision to a
5-25 defendant based solely on the defendant's inability to speak, read,
5-26 write, hear, or understand English.

5-27 (c) A defendant is not eligible for community supervision
5-28 under this article if the defendant is sentenced to serve:

5-29 (1) a term of imprisonment that exceeds 10 years; or

5-30 (2) a term of confinement under Section 12.35, Penal
5-31 Code.

5-32 (d) In a felony case:

5-33 (1) the minimum period of community supervision is the
5-34 same as the minimum term of imprisonment applicable to the offense;
5-35 and

5-36 (2) the maximum period of community supervision is:

5-37 (A) 10 years, for a felony other than a third
5-38 degree felony described by Paragraph (B); and

5-39 (B) five years, for any of the following third
5-40 degree felonies:

5-41 (i) a third degree felony under Title 7,
5-42 Penal Code; and

5-43 (ii) a third degree felony under Chapter
5-44 481, Health and Safety Code.

5-45 (e) Notwithstanding Subsection (d), the minimum period of
5-46 community supervision under this article for a felony described by
5-47 Article 42A.453(b) is five years.

5-48 (f) The maximum period of community supervision in a
5-49 misdemeanor case is two years.

5-50 (g) Notwithstanding Subsection (d)(2) or (f), a judge may
5-51 extend the maximum period of community supervision in the manner
5-52 provided by Article 42A.753 or 42A.757. (Code Crim. Proc., Art.
5-53 42.12, Secs. 3(a), (b), (c), (d), (e), (f), (g).)

5-54 Art. 42A.054. LIMITATION ON JUDGE-ORDERED COMMUNITY
5-55 SUPERVISION. (a) Article 42A.053 does not apply to a defendant
5-56 adjudged guilty of an offense under:

5-57 (1) Section 15.03, Penal Code, if the offense is
5-58 punishable as a felony of the first degree;

5-59 (2) Section 19.02, Penal Code (Murder);

5-60 (3) Section 19.03, Penal Code (Capital Murder);

5-61 (4) Section 20.04, Penal Code (Aggravated
5-62 Kidnapping);

5-63 (5) Section 20A.02, Penal Code (Trafficking of
5-64 Persons);

5-65 (6) Section 21.11(a)(1), Penal Code (Indecency with a
5-66 Child);

5-67 (7) Section 22.011, Penal Code (Sexual Assault);

5-68 (8) Section 22.021, Penal Code (Aggravated Sexual
5-69 Assault);

6-1 (9) Section 22.04(a)(1), Penal Code (Injury to a
6-2 Child, Elderly Individual, or Disabled Individual), if:
6-3 (A) the offense is punishable as a felony of the
6-4 first degree; and
6-5 (B) the victim of the offense is a child;
6-6 (10) Section 29.03, Penal Code (Aggravated Robbery);
6-7 (11) Section 30.02, Penal Code (Burglary), if:
6-8 (A) the offense is punishable under Subsection
6-9 (d) of that section; and
6-10 (B) the actor committed the offense with the
6-11 intent to commit a felony under Section 21.02, 21.11, 22.011,
6-12 22.021, or 25.02, Penal Code;
6-13 (12) Section 43.05, Penal Code (Compelling
6-14 Prostitution);
6-15 (13) Section 43.25, Penal Code (Sexual Performance by
6-16 a Child); or
6-17 (14) Chapter 481, Health and Safety Code, for which
6-18 punishment is increased under:
6-19 (A) Section 481.140 of that code (Use of Child in
6-20 Commission of Offense); or
6-21 (B) Section 481.134(c), (d), (e), or (f) of that
6-22 code (Drug-free Zones) if it is shown that the defendant has been
6-23 previously convicted of an offense for which punishment was
6-24 increased under any of those subsections.
6-25 (b) Article 42A.053 does not apply to a defendant when it is
6-26 shown that:
6-27 (1) a deadly weapon as defined by Section 1.07, Penal
6-28 Code, was used or exhibited during the:
6-29 (A) commission of a felony offense; or
6-30 (B) immediate flight from the commission of a
6-31 felony offense; and
6-32 (2) the defendant:
6-33 (A) used or exhibited the deadly weapon; or
6-34 (B) was a party to the offense and knew that a
6-35 deadly weapon would be used or exhibited.
6-36 (c) On an affirmative finding regarding the use or
6-37 exhibition of a deadly weapon as described by Subsection (b), the
6-38 trial court shall enter the finding in the judgment of the court.
6-39 (d) On an affirmative finding that the deadly weapon under
6-40 Subsection (c) was a firearm, the court shall enter that finding in
6-41 its judgment. (Code Crim. Proc., Art. 42.12, Sec. 3g(a).)
6-42 Art. 42A.055. JURY-RECOMMENDED COMMUNITY SUPERVISION. (a)
6-43 A jury that imposes confinement as punishment for an offense may
6-44 recommend to the judge that the judge suspend the imposition of the
6-45 sentence and place the defendant on community supervision. A judge
6-46 shall suspend the imposition of the sentence and place the
6-47 defendant on community supervision if the jury makes that
6-48 recommendation in the verdict.
6-49 (b) A defendant is eligible for community supervision under
6-50 this article only if:
6-51 (1) before the trial begins, the defendant files a
6-52 written sworn motion with the judge that the defendant has not
6-53 previously been convicted of a felony in this or any other state;
6-54 and
6-55 (2) the jury enters in the verdict a finding that the
6-56 information contained in the defendant's motion is true.
6-57 (c) If the jury recommends to the judge that the judge place
6-58 the defendant on community supervision, the judge shall place the
6-59 defendant on community supervision for any period permitted under
6-60 Articles 42A.053(d) and (f), as appropriate.
6-61 (d) A judge may extend the maximum period of community
6-62 supervision in the manner provided by Article 42A.753 or 42A.757.
6-63 (Code Crim. Proc., Art. 42.12, Secs. 4(a), (b), (c), (d) (part),
6-64 (e).)
6-65 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY
6-66 SUPERVISION. A defendant is not eligible for community supervision
6-67 under Article 42A.055 if the defendant:
6-68 (1) is sentenced to a term of imprisonment that
6-69 exceeds 10 years;

7-1 (2) is convicted of a state jail felony for which
7-2 suspension of the imposition of the sentence occurs automatically
7-3 under Article 42A.551;

7-4 (3) is adjudged guilty of an offense under Section
7-5 19.02, Penal Code;

7-6 (4) is convicted of an offense under Section
7-7 21.11(a)(1), 22.011, or 22.021, Penal Code, if the victim of the
7-8 offense was younger than 14 years of age at the time the offense was
7-9 committed;

7-10 (5) is convicted of an offense under Section 20.04,
7-11 Penal Code, if:

7-12 (A) the victim of the offense was younger than 14
7-13 years of age at the time the offense was committed; and

7-14 (B) the actor committed the offense with the
7-15 intent to violate or abuse the victim sexually;

7-16 (6) is convicted of an offense under Section 20A.02,
7-17 43.05, or 43.25, Penal Code; or

7-18 (7) is convicted of an offense for which punishment is
7-19 increased under Section 481.134(c), (d), (e), or (f), Health and
7-20 Safety Code, if it is shown that the defendant has been previously
7-21 convicted of an offense for which punishment was increased under
7-22 any of those subsections. (Code Crim. Proc., Art. 42.12, Sec. 4(d)
7-23 (part).)

7-24 Art. 42A.057. MINIMUM PERIOD OF COMMUNITY SUPERVISION FOR
7-25 CERTAIN BURGLARIES OF VEHICLES. The minimum period of community
7-26 supervision for an offense under Section 30.04, Penal Code,
7-27 punishable as a Class A misdemeanor with a minimum term of
7-28 confinement of six months is one year. (Code Crim. Proc., Art.
7-29 42.12, Secs. 3(h), 4(f).)

7-30 SUBCHAPTER C. DEFERRED ADJUDICATION COMMUNITY SUPERVISION

7-31 Art. 42A.101. PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY
7-32 SUPERVISION. (a) Except as provided by Article 42A.102(b), if in
7-33 the judge's opinion the best interest of society and the defendant
7-34 will be served, the judge may, after receiving a plea of guilty or
7-35 nolo contendere, hearing the evidence, and finding that it
7-36 substantiates the defendant's guilt, defer further proceedings
7-37 without entering an adjudication of guilt and place the defendant
7-38 on deferred adjudication community supervision.

7-39 (b) After placing the defendant on deferred adjudication
7-40 community supervision under Subsection (a), the judge shall inform
7-41 the defendant orally or in writing of the possible consequences
7-42 under Articles 42A.108 and 42A.110 of a violation of a condition of
7-43 deferred adjudication community supervision. If the information is
7-44 provided orally, the judge must record and maintain the judge's
7-45 statement to the defendant. The failure of a judge to inform a
7-46 defendant of possible consequences under Articles 42A.108 and
7-47 42A.110 is not a ground for reversal unless the defendant shows that
7-48 the defendant was harmed by the failure of the judge to provide the
7-49 information. (Code Crim. Proc., Art. 42.12, Sec. 5(a) (part).)

7-50 Art. 42A.102. ELIGIBILITY FOR DEFERRED ADJUDICATION
7-51 COMMUNITY SUPERVISION. (a) A judge may place on deferred
7-52 adjudication community supervision a defendant charged with an
7-53 offense under Section 21.11, 22.011, or 22.021, Penal Code,
7-54 regardless of the age of the victim, or a defendant charged with a
7-55 felony described by Article 42A.453(b) only if the judge makes a
7-56 finding in open court that placing the defendant on deferred
7-57 adjudication community supervision is in the best interest of the
7-58 victim. The failure of the judge to make a finding under this
7-59 subsection is not grounds for the defendant to set aside the plea,
7-60 deferred adjudication, or any subsequent conviction or sentence.

7-61 (b) In all other cases, the judge may grant deferred
7-62 adjudication community supervision unless:

7-63 (1) the defendant is charged with an offense:

7-64 (A) under Sections 49.04-49.08, Penal Code; or

7-65 (B) for which punishment may be increased under
7-66 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it
7-67 is shown that the defendant has been previously convicted of an
7-68 offense for which punishment was increased under any one of those
7-69 subsections;

8-1 (2) the defendant:

8-2 (A) is charged with an offense under Section
8-3 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the
8-4 victim, or a felony described by Article 42A.453(b); and

8-5 (B) has previously been placed on community
8-6 supervision for an offense under Paragraph (A);

8-7 (3) the defendant is charged with an offense under:

8-8 (A) Section 21.02, Penal Code; or

8-9 (B) Section 22.021, Penal Code, that is
8-10 punishable under Subsection (f) of that section or under Section
8-11 12.42(c)(3) or (4), Penal Code; or

8-12 (4) the defendant is charged with an offense under
8-13 Section 19.02, Penal Code, except that the judge may grant deferred
8-14 adjudication community supervision on determining that the
8-15 defendant did not cause the death of the deceased, did not intend to
8-16 kill the deceased or another, and did not anticipate that a human
8-17 life would be taken. (Code Crim. Proc., Art. 42.12, Secs. 5(a)
8-18 (part), (d).)

8-19 Art. 42A.103. PERIOD OF DEFERRED ADJUDICATION COMMUNITY
8-20 SUPERVISION. (a) In a felony case, the period of deferred
8-21 adjudication community supervision may not exceed 10 years. For a
8-22 defendant charged with a felony under Section 21.11, 22.011, or
8-23 22.021, Penal Code, regardless of the age of the victim, and for a
8-24 defendant charged with a felony described by Article 42A.453(b),
8-25 the period of deferred adjudication community supervision may not
8-26 be less than five years.

8-27 (b) In a misdemeanor case, the period of deferred
8-28 adjudication community supervision may not exceed two years.

8-29 (c) A judge may extend the maximum period of deferred
8-30 adjudication community supervision in the manner provided by
8-31 Article 42A.753 or 42A.757. (Code Crim. Proc., Art. 42.12, Sec.
8-32 5(a) (part).)

8-33 Art. 42A.104. CONDITIONS OF DEFERRED ADJUDICATION
8-34 COMMUNITY SUPERVISION; IMPOSITION OF FINE. (a) The judge may impose
8-35 a fine applicable to the offense and require any reasonable
8-36 condition of deferred adjudication community supervision that a
8-37 judge could impose on a defendant placed on community supervision
8-38 for a conviction that was probated and suspended, including:

8-39 (1) confinement; and

8-40 (2) mental health treatment under Article 42A.506.

8-41 (b) The provisions of Subchapter L specifying whether a
8-42 defendant convicted of a state jail felony is to be confined in a
8-43 county jail or state jail felony facility and establishing the
8-44 minimum and maximum terms of confinement as a condition of
8-45 community supervision apply in the same manner to a defendant
8-46 placed on deferred adjudication community supervision after
8-47 pleading guilty or nolo contendere to a state jail felony. (Code
8-48 Crim. Proc., Art. 42.12, Sec. 5(a) (part).)

8-49 Art. 42A.105. AFFIRMATIVE FINDINGS. (a) If a judge places
8-50 on deferred adjudication community supervision a defendant charged
8-51 with a sexually violent offense, as defined by Article 62.001, the
8-52 judge shall make an affirmative finding of fact and file a statement
8-53 of that affirmative finding with the papers in the case if the judge
8-54 determines that the victim or intended victim was younger than 14
8-55 years of age at the time of the offense.

8-56 (b) If a judge places on deferred adjudication community
8-57 supervision a defendant charged with an offense under Section
8-58 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or
8-59 solicitation to commit one of those offenses, the judge shall make
8-60 an affirmative finding of fact and file a statement of that
8-61 affirmative finding with the papers in the case if the judge
8-62 determines that the victim or intended victim was younger than 17
8-63 years of age at the time of the offense.

8-64 (c) If a judge places on deferred adjudication community
8-65 supervision a defendant charged with an offense under Section 21.11
8-66 or 22.011, Penal Code, the judge shall make an affirmative finding
8-67 of fact and file a statement of that affirmative finding with the
8-68 papers in the case if the judge determines that:

8-69 (1) at the time of the offense, the defendant was not

9-1 more than four years older than the victim or intended victim and
 9-2 the victim or intended victim was at least 15 years of age; and

9-3 (2) the charge to which the plea is entered under this
 9-4 subchapter is based solely on the ages of the defendant and the
 9-5 victim or intended victim at the time of the offense.

9-6 (d) If a judge places a defendant on deferred adjudication
 9-7 community supervision, on the motion of the attorney representing
 9-8 the state the judge shall make an affirmative finding of fact and
 9-9 file a statement of that affirmative finding with the papers in the
 9-10 case if the judge determines that, regardless of whether the
 9-11 conduct at issue is the subject of the prosecution or part of the
 9-12 same criminal episode as the conduct that is the subject of the
 9-13 prosecution, a victim in the trial:

9-14 (1) is or has been a victim of a severe form of
 9-15 trafficking in persons, as defined by 22 U.S.C. Section 7102(9); or

9-16 (2) has suffered substantial physical or mental abuse
 9-17 as a result of having been a victim of criminal activity described
 9-18 by 8 U.S.C. Section 1101(a)(15)(U)(iii).

9-19 (e) The part of the papers in the case containing an
 9-20 affirmative finding under Subsection (d):

9-21 (1) must include specific information identifying the
 9-22 victim, as available;

9-23 (2) may not include information identifying the
 9-24 victim's location; and

9-25 (3) is confidential, unless written consent for the
 9-26 release of the affirmative finding is obtained from the victim or,
 9-27 if the victim is younger than 18 years of age, the victim's parent
 9-28 or guardian. (Code Crim. Proc., Art. 42.12, Secs. 5(e), (g), (i),
 9-29 (j).)

9-30 Art. 42A.106. RECORD NOT CONFIDENTIAL; RIGHT TO PETITION
 9-31 FOR ORDER OF NONDISCLOSURE. (a) Except as provided by Section
 9-32 552.142, Government Code, a record in the custody of the court clerk
 9-33 regarding a case in which a defendant is granted deferred
 9-34 adjudication community supervision is not confidential.

9-35 (b) Before placing a defendant on deferred adjudication
 9-36 community supervision, the court shall inform the defendant of the
 9-37 defendant's right to petition the court for an order of
 9-38 nondisclosure under Section 411.081, Government Code, unless the
 9-39 defendant is ineligible to pursue that right because of:

9-40 (1) the nature of the offense for which the defendant
 9-41 is placed on deferred adjudication community supervision; or

9-42 (2) the defendant's criminal history. (Code Crim.
 9-43 Proc., Art. 42.12, Secs. 5(a-1), (f).)

9-44 Art. 42A.107. REQUEST FOR FINAL ADJUDICATION. On written
 9-45 motion of the defendant requesting final adjudication that is filed
 9-46 within 30 days after the entry of the defendant's plea and the
 9-47 deferment of adjudication, the judge shall proceed to final
 9-48 adjudication as in all other cases. (Code Crim. Proc., Art. 42.12,
 9-49 Sec. 5(a) (part).)

9-50 Art. 42A.108. VIOLATION OF CONDITION OF DEFERRED
 9-51 ADJUDICATION COMMUNITY SUPERVISION; HEARING. (a) On violation of a
 9-52 condition of deferred adjudication community supervision imposed
 9-53 under Article 42A.104, the defendant may be arrested and detained
 9-54 as provided in Article 42A.751.

9-55 (b) The defendant is entitled to a hearing limited to a
 9-56 determination by the court of whether the court will proceed with an
 9-57 adjudication of guilt on the original charge. The court may not
 9-58 proceed with an adjudication of guilt on the original charge if the
 9-59 court finds that the only evidence supporting the alleged violation
 9-60 of a condition of deferred adjudication community supervision is
 9-61 the uncorroborated results of a polygraph examination. The
 9-62 determination to proceed with an adjudication of guilt on the
 9-63 original charge is reviewable in the same manner as a revocation
 9-64 hearing conducted under Article 42A.751(d) in a case in which the
 9-65 adjudication of guilt was not deferred.

9-66 (c) A court retains jurisdiction to hold a hearing under
 9-67 Subsection (b) and to proceed with an adjudication of guilt,
 9-68 regardless of whether the period of deferred adjudication community
 9-69 supervision imposed on the defendant has expired, if before the

10-1 expiration of the supervision period:

10-2 (1) the attorney representing the state files a motion
10-3 to proceed with the adjudication; and

10-4 (2) a *capias* is issued for the arrest of the defendant.
10-5 (Code Crim. Proc., Art. 42.12, Secs. 5(b) (part), (h).)

10-6 Art. 42A.109. DUE DILIGENCE DEFENSE. For the purposes of a
10-7 hearing under Article 42A.108, it is an affirmative defense to
10-8 revocation for an alleged violation based on a failure to report to
10-9 a supervision officer as directed or to remain within a specified
10-10 place that no supervision officer, peace officer, or other officer
10-11 with the power of arrest under a warrant issued by a judge for that
10-12 alleged violation contacted or attempted to contact the defendant
10-13 in person at the defendant's last known residence address or last
10-14 known employment address, as reflected in the files of the
10-15 department serving the county in which the order of deferred
10-16 adjudication community supervision was entered. (Code Crim. Proc.,
10-17 Art. 42.12, Sec. 24 (part).)

10-18 Art. 42A.110. PROCEEDINGS AFTER ADJUDICATION. (a) After
10-19 an adjudication of guilt, all proceedings, including assessment of
10-20 punishment, pronouncement of sentence, granting of community
10-21 supervision, and defendant's appeal, continue as if the
10-22 adjudication of guilt had not been deferred.

10-23 (b) A court assessing punishment after an adjudication of
10-24 guilt of a defendant charged with a state jail felony may suspend
10-25 the imposition of the sentence and place the defendant on community
10-26 supervision or may order the sentence to be executed, regardless of
10-27 whether the defendant has previously been convicted of a felony.
10-28 (Code Crim. Proc., Art. 42.12, Sec. 5(b) (part).)

10-29 Art. 42A.111. DISMISSAL AND DISCHARGE. (a) On expiration of
10-30 a period of deferred adjudication community supervision imposed
10-31 under this subchapter, if the judge has not proceeded to an
10-32 adjudication of guilt, the judge shall dismiss the proceedings
10-33 against the defendant and discharge the defendant.

10-34 (b) The judge may dismiss the proceedings and discharge a
10-35 defendant before the expiration of the period of deferred
10-36 adjudication community supervision if, in the judge's opinion, the
10-37 best interest of society and the defendant will be served, except
10-38 that the judge may not dismiss the proceedings and discharge a
10-39 defendant charged with an offense requiring the defendant to
10-40 register as a sex offender under Chapter 62.

10-41 (c) Except as provided by Section 12.42(g), Penal Code, a
10-42 dismissal and discharge under this article may not be considered a
10-43 conviction for the purposes of disqualifications or disabilities
10-44 imposed by law for conviction of an offense.

10-45 (d) For any defendant who receives a dismissal and discharge
10-46 under this article:

10-47 (1) on conviction of a subsequent offense, the fact
10-48 that the defendant previously has received deferred adjudication
10-49 community supervision is admissible before the court or jury for
10-50 consideration on the issue of penalty;

10-51 (2) if the defendant is an applicant for or the holder
10-52 of a license under Chapter 42, Human Resources Code, the Department
10-53 of Family and Protective Services may consider the fact that the
10-54 defendant previously has received deferred adjudication community
10-55 supervision in issuing, renewing, denying, or revoking a license
10-56 under that chapter; and

10-57 (3) if the defendant is an applicant for or the holder
10-58 of a license to provide mental health or medical services for the
10-59 rehabilitation of sex offenders, the Council on Sex Offender
10-60 Treatment may consider the fact that the defendant previously has
10-61 received deferred adjudication community supervision in issuing,
10-62 renewing, denying, or revoking a license issued by that council.

10-63 (e) A judge who dismisses the proceedings against a
10-64 defendant and discharges the defendant under this article shall:

10-65 (1) provide the defendant with a copy of the order of
10-66 dismissal and discharge; and

10-67 (2) if applicable, inform the defendant of the
10-68 defendant's eligibility to petition the court for an order of
10-69 nondisclosure under Section 411.081, Government Code, and the

11-1 earliest date the defendant is eligible to file the petition for the
 11-2 order of nondisclosure. (Code Crim. Proc., Art. 42.12, Secs. 5(c),
 11-3 (c-1).)

11-4 SUBCHAPTER D. JURISDICTION OVER CASE; GEOGRAPHICAL JURISDICTION

11-5 Art. 42A.151. TRANSFER OF JURISDICTION. (a) After a
 11-6 defendant has been placed on community supervision, jurisdiction of
 11-7 the case may be transferred to a court of the same rank in this state
 11-8 that:

11-9 (1) has geographical jurisdiction where the
 11-10 defendant:

11-11 (A) resides; or
 11-12 (B) violates a condition of community
 11-13 supervision; and

11-14 (2) consents to the transfer.

11-15 (b) On transfer, the clerk of the court of original
 11-16 jurisdiction shall forward to the court accepting jurisdiction a
 11-17 transcript of any portion of the record as the transferring judge
 11-18 shall direct. The court accepting jurisdiction subsequently shall
 11-19 proceed as if the defendant's trial and conviction had occurred in
 11-20 that court. (Code Crim. Proc., Art. 42.12, Secs. 10(a) (part),
 11-21 (b).)

11-22 Art. 42A.152. ISSUANCE OF WARRANT BY COURT HAVING
 11-23 GEOGRAPHICAL JURISDICTION. (a) A judge of a court having
 11-24 geographical jurisdiction where a defendant resides or where the
 11-25 defendant violates a condition of community supervision may issue a
 11-26 warrant for the defendant's arrest.

11-27 (b) Notwithstanding Subsection (a), the determination of
 11-28 the action to be taken after the defendant's arrest may be made only
 11-29 by the judge of the court having jurisdiction of the case at the
 11-30 time the action is taken. (Code Crim. Proc., Art. 42.12, Sec.
 11-31 10(c).)

11-32 Art. 42A.153. CHANGE OF RESIDENCE WITHIN THE STATE. (a)
 11-33 If, for good and sufficient reasons, a defendant desires to change
 11-34 the defendant's residence within the state, the change may be
 11-35 effected by application to the supervising supervision officer.

11-36 (b) The change of residence is subject to:

11-37 (1) the judge's consent; and
 11-38 (2) any regulations the judge may require in the
 11-39 absence of a supervision officer in the locality to which the
 11-40 defendant is transferred. (Code Crim. Proc., Art. 42.12, Sec.
 11-41 17(a).)

11-42 Art. 42A.154. LEAVING THE STATE. A defendant who leaves the
 11-43 state without permission of the judge having jurisdiction of the
 11-44 case is:

11-45 (1) considered a fugitive from justice; and
 11-46 (2) subject to extradition as provided by law. (Code
 11-47 Crim. Proc., Art. 42.12, Sec. 17(b).)

11-48 SUBCHAPTER E. PARTIAL EXECUTION OF SENTENCE; CONTINUING
 11-49 JURISDICTION

11-50 Art. 42A.201. CONTINUING JURISDICTION IN MISDEMEANOR
 11-51 CASES. (a) For the purposes of this article, the jurisdiction of
 11-52 the courts in this state in which a sentence requiring confinement
 11-53 in a jail is imposed for conviction of a misdemeanor continues for
 11-54 180 days from the date the execution of the sentence actually
 11-55 begins.

11-56 (b) The judge of a court that imposed a sentence requiring
 11-57 confinement in a jail for conviction of a misdemeanor may, on the
 11-58 judge's own motion, on the motion of the attorney representing the
 11-59 state, or on the written motion of the defendant, suspend further
 11-60 execution of the sentence and place the defendant on community
 11-61 supervision under the terms and conditions of this chapter if, in
 11-62 the opinion of the judge, the defendant would not benefit from
 11-63 further confinement.

11-64 (c) When the defendant files a written motion with the court
 11-65 requesting suspension of further execution of the sentence and
 11-66 placement on community supervision or when requested to do so by the
 11-67 judge, the clerk of the court shall request a copy of the
 11-68 defendant's record while confined from the agency operating the
 11-69 jail in which the defendant is confined. On receipt of the request,

12-1 the agency shall forward a copy of the record to the court as soon as
12-2 possible.

12-3 (d) The judge may deny the motion without holding a hearing
12-4 but may not grant a motion without holding a hearing and allowing
12-5 the attorney representing the state and the defendant to present
12-6 evidence in the case. (Code Crim. Proc., Art. 42.12, Sec. 7.)

12-7 Art. 42A.202. CONTINUING JURISDICTION IN FELONY CASES. (a)
12-8 For the purposes of this article, the jurisdiction of a court
12-9 imposing a sentence requiring imprisonment in the Texas Department
12-10 of Criminal Justice for an offense other than a state jail felony
12-11 continues for 180 days from the date the execution of the sentence
12-12 actually begins.

12-13 (b) Before the expiration of the 180-day period described by
12-14 Subsection (a), the judge of the court that imposed the sentence
12-15 described by that subsection may, on the judge's own motion, on the
12-16 motion of the attorney representing the state, or on the written
12-17 motion of the defendant, suspend further execution of the sentence
12-18 and place the defendant on community supervision under the terms
12-19 and conditions of this chapter if:

12-20 (1) in the opinion of the judge, the defendant would
12-21 not benefit from further imprisonment;

12-22 (2) the defendant is otherwise eligible for community
12-23 supervision under this chapter; and

12-24 (3) the defendant had never before been incarcerated
12-25 in a penitentiary serving a sentence for a felony.

12-26 (c) When the defendant files a written motion requesting the
12-27 judge to suspend further execution of the sentence and place the
12-28 defendant on community supervision, the defendant shall
12-29 immediately deliver or cause to be delivered a copy of the motion to
12-30 the office of the attorney representing the state.

12-31 (d) When the defendant or the attorney representing the
12-32 state files a written motion requesting the judge to suspend
12-33 further execution of the sentence and place the defendant on
12-34 community supervision, and when requested to do so by the judge, the
12-35 clerk of the court shall request a copy of the defendant's record
12-36 while imprisoned from the Texas Department of Criminal Justice or,
12-37 if the defendant is confined in county jail, from the sheriff. On
12-38 receipt of the request, the Texas Department of Criminal Justice or
12-39 the sheriff shall forward a copy of the record to the judge as soon
12-40 as possible.

12-41 (e) The judge may deny the motion without holding a hearing
12-42 but may not grant the motion without holding a hearing and providing
12-43 the attorney representing the state and the defendant the
12-44 opportunity to present evidence on the motion. (Code Crim. Proc.,
12-45 Art. 42.12, Sec. 6.)

12-46 Art. 42A.203. AUTHORITY TO SUSPEND EXECUTION OF SENTENCE IN
12-47 FELONY CASES. (a) Except as otherwise provided by Subsection (b),
12-48 only the judge who originally sentenced the defendant may suspend
12-49 execution of the sentence and place the defendant on community
12-50 supervision under Article 42A.202.

12-51 (b) If the judge who originally sentenced the defendant is
12-52 deceased or disabled or the office is vacant, and if a motion is
12-53 filed in accordance with Article 42A.202, the clerk of the court
12-54 shall promptly forward a copy of the motion to the presiding judge
12-55 of the administrative judicial district for that court. The
12-56 presiding judge may deny the motion without holding a hearing or may
12-57 appoint a judge to hold a hearing on the motion. (Code Crim. Proc.,
12-58 Art. 42.12, Sec. 10(a) (part).)

12-59 Art. 42A.204. PARTIAL EXECUTION OF SENTENCE: FIREARM USED
12-60 OR EXHIBITED. (a) If in the trial of a felony of the second degree
12-61 or higher there is an affirmative finding described by Article
12-62 42A.054(d) and the jury recommends that the court place the
12-63 defendant on community supervision, the court may order the
12-64 defendant imprisoned in the Texas Department of Criminal Justice
12-65 for not less than 60 and not more than 120 days.

12-66 (b) At any time after the defendant has served 60 days in the
12-67 custody of the Texas Department of Criminal Justice, the sentencing
12-68 judge, on the judge's own motion or on motion of the defendant, may
12-69 order the defendant released to community supervision.

13-1 (c) The department shall release the defendant to community
 13-2 supervision after the defendant has served 120 days. (Code Crim.
 13-3 Proc., Art. 42.12, Secs. 3g(b), 4(b) (part).)

13-4 SUBCHAPTER F. PRESENTENCE AND POSTSENTENCE REPORTS AND EVALUATIONS

13-5 Art. 42A.251. DEFINITIONS. In this subchapter:

13-6 (1) "Council" means the Council on Sex Offender
 13-7 Treatment.

13-8 (2) "Sex offender" means a person who has been
 13-9 convicted of, or has entered a plea of guilty or nolo contendere
 13-10 for, an offense under any one of the following provisions of the
 13-11 Penal Code:

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

13-15 (B) Section 21.08 (Indecent Exposure);

13-16 (C) Section 21.11 (Indecency with a Child);

13-17 (D) Section 22.011 (Sexual Assault);

13-18 (E) Section 22.021 (Aggravated Sexual Assault);

13-19 (F) Section 25.02 (Prohibited Sexual Conduct);

13-20 (G) Section 30.02 (Burglary), if:

13-21 (i) the offense is punishable under
 13-22 Subsection (d) of that section; and

13-23 (ii) the person committed the offense with
 13-24 the intent to commit a felony listed in this subdivision;

13-25 (H) Section 43.25 (Sexual Performance by a
 13-26 Child); or

13-27 (I) Section 43.26 (Possession or Promotion of
 13-28 Child Pornography). (Code Crim. Proc., Art. 42.12, Sec. 9A(a).)

13-29 Art. 42A.252. PRESENTENCE REPORT REQUIRED. (a) Except as
 13-30 provided by Subsections (b) and (c), before the imposition of the
 13-31 sentence by a judge, the judge shall direct a supervision officer to
 13-32 prepare a presentence report for the judge.

13-33 (b) The judge is not required to direct a supervision
 13-34 officer to prepare a presentence report in a misdemeanor case if:

13-35 (1) the defendant requests that a report not be made
 13-36 and the judge agrees to the request; or

13-37 (2) the judge:
 13-38 (A) finds that there is sufficient information in
 13-39 the record to permit the meaningful exercise of sentencing
 13-40 discretion; and

13-41 (B) explains that finding on the record.

13-42 (c) The judge is not required to direct a supervision
 13-43 officer to prepare a presentence report in a felony case if:

13-44 (1) punishment is to be assessed by a jury;
 13-45 (2) the defendant is convicted of or enters a plea of
 13-46 guilty or nolo contendere to capital murder;

13-47 (3) the only available punishment is imprisonment; or
 13-48 (4) the judge is informed that a plea bargain

13-49 agreement exists, under which the defendant agrees to a punishment
 13-50 of imprisonment, and the judge intends to follow that agreement.
 13-51 (Code Crim. Proc., Art. 42.12, Secs. 9(a) (part), (b), (g).)

13-52 Art. 42A.253. CONTENTS OF PRESENTENCE REPORT. (a) A
 13-53 presentence report must be in writing and include:

13-54 (1) the circumstances of the offense with which the
 13-55 defendant is charged;

13-56 (2) the amount of restitution necessary to adequately
 13-57 compensate a victim of the offense;

13-58 (3) the criminal and social history of the defendant;

13-59 (4) a proposed supervision plan describing programs
 13-60 and sanctions that the community supervision and corrections
 13-61 department will provide the defendant if the judge suspends the
 13-62 imposition of the sentence or grants deferred adjudication
 13-63 community supervision;

13-64 (5) if the defendant is charged with a state jail
 13-65 felony, recommendations for conditions of community supervision
 13-66 that the community supervision and corrections department
 13-67 considers advisable or appropriate based on the circumstances of
 13-68 the offense and other factors addressed in the report;

13-69 (6) the results of a psychological evaluation of the

14-1 defendant that determines, at a minimum, the defendant's IQ and
 14-2 adaptive behavior score if the defendant:

14-3 (A) is convicted of a felony offense; and

14-4 (B) appears to the judge, through the judge's own
 14-5 observation or on the suggestion of a party, to have a mental
 14-6 impairment;

14-7 (7) information regarding whether the defendant is a
 14-8 current or former member of the state military forces or whether the
 14-9 defendant currently serves or has previously served in the armed
 14-10 forces of the United States in an active-duty status and, if
 14-11 available, a copy of the defendant's military discharge papers and
 14-12 military records;

14-13 (8) if the defendant has served in the armed forces of
 14-14 the United States in an active-duty status, a determination as to
 14-15 whether the defendant was deployed to a combat zone and whether the
 14-16 defendant may suffer from post-traumatic stress disorder or a
 14-17 traumatic brain injury; and

14-18 (9) any other information relating to the defendant or
 14-19 the offense as requested by the judge.

14-20 (b) A presentence report is not required to contain a
 14-21 sentencing recommendation. (Code Crim. Proc., Art. 42.12, Secs.
 14-22 9(a) (part), (i), (l).)

14-23 Art. 42A.254. INSPECTION BY JUDGE; DISCLOSURE OF CONTENTS.
 14-24 The judge may not inspect a presentence report and the contents of
 14-25 the report may not be disclosed to any person unless:

14-26 (1) the defendant pleads guilty or nolo contendere or
 14-27 is convicted of the offense; or

14-28 (2) the defendant, in writing, authorizes the judge to
 14-29 inspect the report. (Code Crim. Proc., Art. 42.12, Sec. 9(c).)

14-30 Art. 42A.255. INSPECTION AND COMMENT BY DEFENDANT; ACCESS
 14-31 TO INFORMATION BY STATE. (a) Unless waived by the defendant, at
 14-32 least 48 hours before sentencing a defendant, the judge shall
 14-33 permit the defendant or the defendant's attorney to read the
 14-34 presentence report.

14-35 (b) The judge shall allow the defendant or the defendant's
 14-36 attorney to comment on a presentence investigation or a
 14-37 postsentence report and, with the approval of the judge, introduce
 14-38 testimony or other information alleging a factual inaccuracy in the
 14-39 investigation or report.

14-40 (c) The judge shall allow the attorney representing the
 14-41 state access to any information made available to the defendant
 14-42 under this article. (Code Crim. Proc., Art. 42.12, Secs. 9(d), (e),
 14-43 (f).)

14-44 Art. 42A.256. RELEASE OF INFORMATION TO SUPERVISION
 14-45 OFFICER; CONFIDENTIALITY OF REPORT. (a) The judge by order may
 14-46 direct that any information and records that are not privileged and
 14-47 that are relevant to a presentence or postsentence report be
 14-48 released to a supervision officer conducting a presentence
 14-49 investigation under this subchapter or preparing a postsentence
 14-50 report under Article 42A.259. The judge may also issue a subpoena
 14-51 to obtain that information.

14-52 (b) A presentence or postsentence report and all
 14-53 information obtained in connection with a presentence
 14-54 investigation or postsentence report are confidential and may be
 14-55 released only as:

14-56 (1) provided by:

14-57 (A) Subsection (c);

14-58 (B) Article 42A.255;

14-59 (C) Article 42A.257;

14-60 (D) Article 42A.259; or

14-61 (E) Section 614.017, Health and Safety Code; or

14-62 (2) directed by the judge for the effective
 14-63 supervision of the defendant.

14-64 (c) If the defendant is a sex offender, a supervision
 14-65 officer may release information in a presentence or postsentence
 14-66 report concerning the social and criminal history of the defendant
 14-67 to a person who:

14-68 (1) is licensed or certified in this state to provide
 14-69 mental health or medical services, including a:

- 15-1 (A) physician;
- 15-2 (B) psychiatrist;
- 15-3 (C) psychologist;
- 15-4 (D) licensed professional counselor;
- 15-5 (E) licensed marriage and family therapist; or
- 15-6 (F) certified social worker; and

15-7 (2) provides mental health or medical services for the
 15-8 rehabilitation of the defendant. (Code Crim. Proc., Art. 42.12,
 15-9 Secs. 9(j), 9A(b).)

15-10 Art. 42A.257. EVALUATION FOR PURPOSES OF ALCOHOL OR DRUG
 15-11 REHABILITATION. (a) The judge shall direct a supervision officer
 15-12 approved by the community supervision and corrections department or
 15-13 the judge, or a person, program, or other agency approved by the
 15-14 Department of State Health Services, to conduct an evaluation to
 15-15 determine the appropriateness of, and a course of conduct necessary
 15-16 for, alcohol or drug rehabilitation for a defendant and to report
 15-17 the results of that evaluation to the judge, if:

15-18 (1) the judge determines that alcohol or drug abuse
 15-19 may have contributed to the commission of the offense; or

15-20 (2) the case involves a second or subsequent offense
 15-21 under:

15-22 (A) Section 49.04, Penal Code, if the offense was
 15-23 committed within five years of the date on which the most recent
 15-24 preceding offense was committed; or

15-25 (B) Section 49.07 or 49.08, Penal Code, if the
 15-26 offense involved the operation of a motor vehicle and was committed
 15-27 within five years of the date on which the most recent preceding
 15-28 offense was committed.

15-29 (b) The evaluation must be made:

15-30 (1) after arrest and before conviction, if requested
 15-31 by the defendant;

15-32 (2) after conviction and before sentencing, if the
 15-33 judge assesses punishment in the case;

15-34 (3) after sentencing and before the entry of a final
 15-35 judgment, if the jury assesses punishment in the case; or

15-36 (4) after community supervision is granted, if the
 15-37 evaluation is required as a condition of community supervision
 15-38 under Article 42A.402. (Code Crim. Proc., Art. 42.12, Sec. 9(h).)

15-39 Art. 42A.258. EVALUATION FOR PURPOSES OF SEX OFFENDER
 15-40 TREATMENT, SPECIALIZED SUPERVISION, OR REHABILITATION. (a) If the
 15-41 defendant is a sex offender, the judge shall direct a supervision
 15-42 officer approved by the community supervision and corrections
 15-43 department or the judge, or a person, program, or other agency
 15-44 approved by the council, to:

15-45 (1) evaluate the appropriateness of, and a course of
 15-46 conduct necessary for, treatment, specialized supervision, or
 15-47 rehabilitation of the defendant; and

15-48 (2) report the results of the evaluation to the judge.

15-49 (b) The judge may require the evaluation to use
 15-50 offense-specific standards of practice adopted by the council and
 15-51 may require the report to reflect those standards.

15-52 (c) The evaluation must be made:

15-53 (1) after arrest and before conviction, if requested
 15-54 by the defendant; or

15-55 (2) after conviction and before the entry of a final
 15-56 judgment. (Code Crim. Proc., Art. 42.12, Sec. 9A(c).)

15-57 Art. 42A.259. POSTSENTENCE REPORT. (a) If a presentence
 15-58 report in a felony case is not required under Article 42A.252(c),
 15-59 the judge may direct a supervision officer to prepare a
 15-60 postsentence report containing the same information that would have
 15-61 been required for the presentence report, other than a proposed
 15-62 supervision plan and any information that is reflected in the
 15-63 judgment.

15-64 (b) If a postsentence report is ordered, the supervision
 15-65 officer shall send the report to the clerk of the court not later
 15-66 than the 30th day after the date on which sentence is pronounced or
 15-67 deferred adjudication community supervision is granted. The clerk
 15-68 shall deliver the postsentence report with the papers in the case to
 15-69 a designated officer of the Texas Department of Criminal Justice,

16-1 to the extent required by Section 8(a), Article 42.09. (Code Crim.
16-2 Proc., Art. 42.12, Sec. 9(k).)

16-3 SUBCHAPTER G. DISCRETIONARY CONDITIONS GENERALLY

16-4 Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. The judge of
16-5 the court having jurisdiction of the case shall determine the
16-6 conditions of community supervision. The judge may impose any
16-7 reasonable condition that is designed to protect or restore the
16-8 community, protect or restore the victim, or punish, rehabilitate,
16-9 or reform the defendant. Conditions of community supervision may
16-10 include conditions requiring the defendant to:

16-11 (1) commit no offense against the laws of this state or
16-12 of any other state or of the United States;

16-13 (2) avoid injurious or vicious habits;

16-14 (3) avoid persons or places of disreputable or harmful
16-15 character, including any person, other than a family member of the
16-16 defendant, who is an active member of a criminal street gang;

16-17 (4) report to the supervision officer as directed by
16-18 the judge or supervision officer and obey all rules and regulations
16-19 of the community supervision and corrections department;

16-20 (5) permit the supervision officer to visit the
16-21 defendant at the defendant's home or elsewhere;

16-22 (6) work faithfully at suitable employment to the
16-23 extent possible;

16-24 (7) remain within a specified place;

16-25 (8) pay in one or more amounts:

16-26 (A) the defendant's fine, if one is assessed; and

16-27 (B) all court costs, regardless of whether a fine
16-28 is assessed;

16-29 (9) support the defendant's dependents;

16-30 (10) participate, for a period specified by the judge,
16-31 in any community-based program, including a community service
16-32 project under Article 42A.304;

16-33 (11) reimburse the county in which the prosecution was
16-34 instituted as follows:

16-35 (A) if counsel was appointed, an amount for
16-36 compensation paid to appointed counsel for defending the defendant
16-37 in the case; or

16-38 (B) if the defendant was represented by a public
16-39 defender's office, an amount that would have been paid to an
16-40 appointed attorney had the county not had a public defender's
16-41 office;

16-42 (12) if under custodial supervision in a community
16-43 corrections facility:

16-44 (A) remain under that supervision;

16-45 (B) obey all rules and regulations of the
16-46 facility; and

16-47 (C) pay a percentage of the defendant's income
16-48 to:

16-49 (i) the facility for room and board; and

16-50 (ii) the defendant's dependents for their
16-51 support during the period of custodial supervision;

16-52 (13) submit to testing for alcohol or controlled
16-53 substances;

16-54 (14) attend counseling sessions for substance abusers
16-55 or participate in substance abuse treatment services in a program
16-56 or facility approved or licensed by the Department of State Health
16-57 Services;

16-58 (15) with the consent of the victim of a misdemeanor
16-59 offense or of any offense under Title 7, Penal Code, participate in
16-60 victim-defendant mediation;

16-61 (16) submit to electronic monitoring;

16-62 (17) reimburse the compensation to victims of crime
16-63 fund for any amounts paid from that fund to or on behalf of a victim,
16-64 as defined by Article 56.32, of the offense or if no reimbursement
16-65 is required, make one payment to the compensation to victims of
16-66 crime fund in an amount not to exceed \$50 if the offense is a
16-67 misdemeanor or not to exceed \$100 if the offense is a felony;

16-68 (18) reimburse a law enforcement agency for the
16-69 analysis, storage, or disposal of raw materials, controlled

17-1 substances, chemical precursors, drug paraphernalia, or other
17-2 materials seized in connection with the offense;

17-3 (19) pay all or part of the reasonable and necessary
17-4 costs incurred by the victim for psychological counseling made
17-5 necessary by the offense or for counseling and education relating
17-6 to acquired immune deficiency syndrome or human immunodeficiency
17-7 virus made necessary by the offense;

17-8 (20) make one payment in an amount not to exceed \$50 to
17-9 a crime stoppers organization, as defined by Section 414.001,
17-10 Government Code, and as certified by the Texas Crime Stoppers
17-11 Council;

17-12 (21) submit a DNA sample to the Department of Public
17-13 Safety under Subchapter G, Chapter 411, Government Code, for the
17-14 purpose of creating a DNA record of the defendant;

17-15 (22) in any manner required by the judge, provide in
17-16 the county in which the offense was committed public notice of the
17-17 offense for which the defendant was placed on community
17-18 supervision; and

17-19 (23) reimburse the county in which the prosecution was
17-20 instituted for compensation paid to any interpreter in the case.
17-21 (Code Crim. Proc., Art. 42.12, Sec. 11(a) (part).)

17-22 Art. 42A.302. CONFINEMENT. (a) If a judge having
17-23 jurisdiction of a case requires as a condition of community
17-24 supervision that the defendant submit to a term of confinement in a
17-25 county jail, the term of confinement may not exceed:

17-26 (1) 30 days, in a misdemeanor case; or

17-27 (2) 180 days, in a felony case.

17-28 (b) A judge who requires as a condition of community
17-29 supervision that the defendant serve a term of confinement in a
17-30 community corrections facility under Subchapter M may not impose a
17-31 term of confinement under this article that, if added to the term
17-32 imposed under Subchapter M, exceeds 24 months.

17-33 (c) A judge may impose a term of confinement as a condition
17-34 of community supervision under this article on placing the
17-35 defendant on supervision or at any time during the supervision
17-36 period. The judge may impose terms of confinement as a condition of
17-37 community supervision in increments smaller than the maximum terms
17-38 provided by Subsection (a), except that the judge may not impose
17-39 terms of confinement that, if added together, exceed the maximum
17-40 terms provided by Subsection (a). (Code Crim. Proc., Art. 42.12,
17-41 Sec. 12.)

17-42 Art. 42A.303. SUBSTANCE ABUSE FELONY PROGRAM. (a) If a
17-43 court places a defendant on community supervision under any
17-44 provision of this chapter as an alternative to imprisonment, the
17-45 judge may require as a condition of community supervision that the
17-46 defendant serve a term of confinement and treatment in a substance
17-47 abuse felony punishment facility operated by the Texas Department
17-48 of Criminal Justice under Section 493.009, Government Code.

17-49 (b) A term of confinement and treatment imposed under this
17-50 article must be an indeterminate term of not more than one year or
17-51 less than 90 days.

17-52 (c) The judge may impose the condition of community
17-53 supervision described by this article if:

17-54 (1) the defendant is charged with or convicted of a
17-55 felony other than:

17-56 (A) a felony under Section 21.11, 22.011, or
17-57 22.021, Penal Code; or

17-58 (B) criminal attempt of a felony under Section
17-59 21.11, 22.011, or 22.021, Penal Code; and

17-60 (2) the judge makes an affirmative finding that:

17-61 (A) drug or alcohol abuse significantly
17-62 contributed to the commission of the offense or violation of a
17-63 condition of community supervision, as applicable; and

17-64 (B) the defendant is a suitable candidate for
17-65 treatment, as determined by the suitability criteria established by
17-66 the Texas Board of Criminal Justice under Section 493.009(b),
17-67 Government Code.

17-68 (d) If a judge requires as a condition of community
17-69 supervision that the defendant serve a term of confinement and

18-1 treatment in a substance abuse felony punishment facility under
 18-2 this article, the judge shall also require as a condition of
 18-3 community supervision that on release from the facility the
 18-4 defendant:

18-5 (1) participate in a drug or alcohol abuse continuum
 18-6 of care treatment plan; and

18-7 (2) pay a fee in an amount established by the judge for
 18-8 residential aftercare required as part of the treatment plan.

18-9 (e) The Department of State Health Services shall develop
 18-10 the continuum of care treatment plan described by Subsection
 18-11 (d)(1).

18-12 (f) The clerk of a court that collects a fee imposed under
 18-13 Subsection (d)(2) shall deposit the fee to be sent to the
 18-14 comptroller as provided by Subchapter B, Chapter 133, Local
 18-15 Government Code, and the comptroller shall deposit the fee into the
 18-16 general revenue fund. If the clerk does not collect a fee imposed
 18-17 under Subsection (d)(2), the clerk is not required to file any
 18-18 report required by the comptroller that relates to the collection
 18-19 of the fee. In establishing the amount of a fee under Subsection
 18-20 (d)(2), the judge shall consider fines, fees, and other necessary
 18-21 expenses for which the defendant is obligated. The judge may not:

18-22 (1) establish the fee in an amount that is greater than
 18-23 25 percent of the defendant's gross income while the defendant is a
 18-24 participant in residential aftercare; or

18-25 (2) require the defendant to pay the fee at any time
 18-26 other than a time at which the defendant is both employed and a
 18-27 participant in residential aftercare. (Code Crim. Proc., Art.
 18-28 42.12, Sec. 14, as amended Acts 73rd Leg., R.S., Ch. 900; Acts 74th
 18-29 Leg., R.S., Chs. 76, 321; Acts 76th Leg., R.S., Ch. 1188; Acts 78th
 18-30 Leg., R.S., Chs. 209, 1310.)

18-31 Art. 42A.304. COMMUNITY SERVICE. (a) A judge may require
 18-32 as a condition of community supervision that the defendant work a
 18-33 specified number of hours at one or more community service projects
 18-34 for one or more organizations approved by the judge and designated
 18-35 by the department. The judge may not require the defendant to work
 18-36 at a community service project if, as determined and noted on the
 18-37 community supervision order by the judge:

18-38 (1) the defendant is physically or mentally incapable
 18-39 of participating in the project;

18-40 (2) participating in the project will cause a hardship
 18-41 to the defendant or to the defendant's dependents;

18-42 (3) the defendant is to be confined in a substance
 18-43 abuse felony punishment facility as a condition of community
 18-44 supervision; or

18-45 (4) there is other good cause shown.

18-46 (b) The amount of community service work ordered by the
 18-47 judge may not exceed:

18-48 (1) 1,000 hours for an offense classified as a first
 18-49 degree felony;

18-50 (2) 800 hours for an offense classified as a second
 18-51 degree felony;

18-52 (3) 600 hours for:

18-53 (A) an offense classified as a third degree
 18-54 felony; or

18-55 (B) an offense under Section 30.04, Penal Code,
 18-56 classified as a Class A misdemeanor;

18-57 (4) 400 hours for an offense classified as a state jail
 18-58 felony;

18-59 (5) 200 hours for:

18-60 (A) an offense classified as a Class A
 18-61 misdemeanor, other than an offense described by Subdivision (3)(B);
 18-62 or

18-63 (B) a misdemeanor for which the maximum
 18-64 permissible confinement, if any, exceeds six months or the maximum
 18-65 permissible fine, if any, exceeds \$4,000; and

18-66 (6) 100 hours for:

18-67 (A) an offense classified as a Class B
 18-68 misdemeanor; or

18-69 (B) a misdemeanor for which the maximum

19-1 permissible confinement, if any, does not exceed six months and the
 19-2 maximum permissible fine, if any, does not exceed \$4,000.

19-3 (c) A defendant required to perform community service under
 19-4 this article is not a state employee for the purposes of Chapter 501
 19-5 or 504, Labor Code.

19-6 (d) If the court makes an affirmative finding under Article
 19-7 42.014, the judge may order the defendant to perform community
 19-8 service under this article at a project designated by the judge that
 19-9 primarily serves the person or group who was the target of the
 19-10 defendant. If the judge orders community service under this
 19-11 subsection, the judge shall order the defendant to perform not less
 19-12 than:

19-13 (1) 300 hours of service if the offense is classified
 19-14 as a felony; or

19-15 (2) 100 hours of service if the offense is classified
 19-16 as a misdemeanor.

19-17 (e) A defendant required to perform community service under
 19-18 this article after conviction of an offense under Section 352.082,
 19-19 Local Government Code, shall perform 60 hours of service. The
 19-20 community service must consist of picking up litter in the county in
 19-21 which the defendant resides or working at a recycling facility if a
 19-22 program for performing that type of service is available in the
 19-23 community in which the court is located.

19-24 (f) The judge may order a defendant to make a specified
 19-25 donation to a nonprofit food bank or food pantry in the community in
 19-26 which the defendant resides instead of requiring the defendant to
 19-27 work a specified number of hours at one or more community service
 19-28 projects under Subsection (a). (Code Crim. Proc., Art. 42.12,
 19-29 Secs. 16(a), (b), (c), (d), (e), (f).)

19-30 Art. 42A.305. COMMUNITY OUTREACH. (a) This article
 19-31 applies only to a defendant placed on community supervision for an
 19-32 offense involving the possession, manufacture, or delivery of a
 19-33 controlled substance under Chapter 481, Health and Safety Code.

19-34 (b) If a judge orders a defendant to whom this article
 19-35 applies to perform community service, the judge may authorize the
 19-36 defendant to perform not more than 30 hours of community outreach
 19-37 under this article instead of performing hours of community
 19-38 service.

19-39 (c) Community outreach under this article must consist of
 19-40 working with a secondary school at the direction of the judge to
 19-41 educate students on the dangers and legal consequences of
 19-42 possessing, manufacturing, or delivering a controlled substance.

19-43 (d) A secondary school is not required to allow a defendant
 19-44 to perform community outreach at that school.

19-45 (e) The judge may not authorize the defendant to perform
 19-46 hours of community outreach under this article instead of
 19-47 performing hours of community service if:

19-48 (1) the defendant is physically or mentally incapable
 19-49 of participating in community outreach; or

19-50 (2) the defendant is subject to registration as a sex
 19-51 offender under Chapter 62. (Code Crim. Proc., Art. 42.12, Sec.
 19-52 16(g).)

19-53 Art. 42A.306. SUPERVISION OF DEFENDANT FROM OUT OF STATE. A
 19-54 judge who receives a defendant for supervision as authorized by
 19-55 Section 510.017, Government Code, may impose on the defendant any
 19-56 term of community supervision authorized by this chapter. (Code
 19-57 Crim. Proc., Art. 42.12, Sec. 19(c) (part).)

19-58 Art. 42A.307. ORCHIECTOMY PROHIBITED. A judge may not
 19-59 require a defendant to undergo an orchiectomy as a condition of
 19-60 community supervision. (Code Crim. Proc., Art. 42.12, Sec. 11(f).)

19-61 SUBCHAPTER H. MANDATORY CONDITIONS GENERALLY

19-62 Art. 42A.351. EDUCATIONAL SKILL LEVEL. (a) If the judge or
 19-63 jury places a defendant on community supervision, the judge shall
 19-64 require the defendant to demonstrate to the court whether the
 19-65 defendant has an educational skill level that is equal to or greater
 19-66 than the average educational skill level of students who have
 19-67 completed the sixth grade in public schools in this state.

19-68 (b) If the judge determines that the defendant has not
 19-69 attained the educational skill level described by Subsection (a),

20-1 the judge shall require as a condition of community supervision
 20-2 that the defendant attain that level of educational skill, unless
 20-3 the judge also determines that the defendant lacks the intellectual
 20-4 capacity or the learning ability to ever achieve that level of
 20-5 educational skill. (Code Crim. Proc., Art. 42.12, Sec. 11(c).)

20-6 Art. 42A.352. DNA SAMPLE. A judge granting community
 20-7 supervision to a defendant convicted of a felony shall require as a
 20-8 condition of community supervision that the defendant provide a DNA
 20-9 sample under Subchapter G, Chapter 411, Government Code, for the
 20-10 purpose of creating a DNA record of the defendant, unless the
 20-11 defendant has already submitted the required sample under other
 20-12 state law. (Code Crim. Proc., Art. 42.12, Sec. 11(j).)

20-13 SUBCHAPTER I. CONDITIONS APPLICABLE TO CERTAIN INTOXICATION
 20-14 OFFENSES

20-15 Art. 42A.401. CONFINEMENT AS CONDITION OF COMMUNITY
 20-16 SUPERVISION FOR CERTAIN INTOXICATION OFFENSES. (a) A judge
 20-17 granting community supervision to a defendant convicted of an
 20-18 offense under Chapter 49, Penal Code, shall require as a condition
 20-19 of community supervision that the defendant submit to:

20-20 (1) not less than 72 hours of continuous confinement
 20-21 in county jail if the defendant was punished under Section
 20-22 49.09(a), Penal Code;

20-23 (2) not less than five days of confinement in county
 20-24 jail if the defendant was punished under Section 49.09(a), Penal
 20-25 Code, and was subject to Section 49.09(h), Penal Code;

20-26 (3) not less than 10 days of confinement in county jail
 20-27 if the defendant was punished under Section 49.09(b), Penal Code;

20-28 (4) not less than 30 days of confinement in county jail
 20-29 if the defendant was convicted of an offense under Section 49.07,
 20-30 Penal Code; or

20-31 (5) a term of confinement of not less than 120 days if
 20-32 the defendant was convicted of an offense under Section 49.08,
 20-33 Penal Code.

20-34 (b) If a sentence of confinement is imposed on the
 20-35 revocation of community supervision, the term of confinement served
 20-36 under Subsection (a) may not be credited toward completion of the
 20-37 sentence imposed. (Code Crim. Proc., Art. 42.12, Secs. 13(a)
 20-38 (part), (b), (e).)

20-39 Art. 42A.402. DRUG OR ALCOHOL DEPENDENCE EVALUATION AND
 20-40 REHABILITATION. (a) A judge granting community supervision to a
 20-41 defendant convicted of an offense under Chapter 49, Penal Code,
 20-42 shall require as a condition of community supervision that the
 20-43 defendant submit to an evaluation by a supervision officer or by a
 20-44 person, program, or facility approved by the Department of State
 20-45 Health Services for the purpose of having the facility prescribe
 20-46 and carry out a course of conduct necessary for the rehabilitation
 20-47 of the defendant's drug or alcohol dependence condition.

20-48 (b) If the director of a facility to which a defendant is
 20-49 referred under Subsection (a) determines that the defendant is not
 20-50 making a good faith effort to participate in a program of
 20-51 rehabilitation, the director shall notify the judge who referred
 20-52 the defendant to the facility of that determination.

20-53 (c) If a judge requires as a condition of community
 20-54 supervision that the defendant participate in a prescribed course
 20-55 of conduct necessary for the rehabilitation of the defendant's drug
 20-56 or alcohol dependence condition, the judge shall require that the
 20-57 defendant pay for all or part of the cost of the rehabilitation
 20-58 based on the defendant's ability to pay. The judge, in the judge's
 20-59 discretion, may credit against the fine assessed the cost paid by
 20-60 the defendant. In determining a defendant's ability to pay the cost
 20-61 of rehabilitation under this subsection, the judge shall consider
 20-62 whether the defendant has insurance coverage that will pay for
 20-63 rehabilitation.

20-64 (d) A judge who grants community supervision to a defendant
 20-65 convicted of an offense under Sections 49.04-49.08, Penal Code,
 20-66 shall require, if the defendant has not submitted to an evaluation
 20-67 under Article 42A.257 before receiving community supervision, that
 20-68 the defendant submit to the evaluation as a condition of community
 20-69 supervision. If the evaluation indicates to the judge that the

21-1 defendant needs treatment for drug or alcohol dependency, the judge
21-2 shall require the defendant to submit to that treatment as a
21-3 condition of community supervision in a program or facility that:

21-4 (1) is approved or licensed by the Department of State
21-5 Health Services; or

21-6 (2) complies with standards established by the
21-7 community justice assistance division of the Texas Department of
21-8 Criminal Justice, after consultation by the division with the
21-9 Department of State Health Services. (Code Crim. Proc., Art.
21-10 42.12, Secs. 13(a) (part), (c), (d), (f).)

21-11 Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION
21-12 OFFENDERS; WAIVER OR EXTENSION OF TIME. (a) A judge who places on
21-13 community supervision a defendant convicted of an offense under
21-14 Sections 49.04-49.08, Penal Code, shall require as a condition of
21-15 community supervision that the defendant attend and successfully
21-16 complete, before the 181st day after the date community supervision
21-17 is granted, an educational program designed to rehabilitate persons
21-18 who have driven while intoxicated that is jointly approved by:

21-19 (1) the Department of State Health Services;

21-20 (2) the Department of Public Safety;

21-21 (3) the traffic safety section of the traffic
21-22 operations division of the Texas Department of Transportation; and

21-23 (4) the community justice assistance division of the
21-24 Texas Department of Criminal Justice.

21-25 (b) This article does not apply to a defendant if a jury
21-26 recommends community supervision for the defendant and also
21-27 recommends that the defendant's driver's license not be suspended.

21-28 (c) If the defendant by a motion in writing shows good
21-29 cause, the judge may:

21-30 (1) waive the educational program requirement; or

21-31 (2) to enable the defendant to successfully complete
21-32 the program, grant an extension of time that expires not later than
21-33 the first anniversary of the beginning date of the defendant's
21-34 community supervision.

21-35 (d) In determining good cause, the judge may consider but is
21-36 not limited to:

21-37 (1) the defendant's school and work schedule;

21-38 (2) the defendant's health;

21-39 (3) the distance that the defendant must travel to
21-40 attend an educational program; and

21-41 (4) the fact that the defendant resides out of state,
21-42 does not have a valid driver's license, or does not have access to
21-43 transportation.

21-44 (e) The judge shall set out the finding of good cause for
21-45 waiver in the judgment. (Code Crim. Proc., Art. 42.12, Sec. 13(h)
21-46 (part).)

21-47 Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT
21-48 INTOXICATION OFFENDERS; WAIVER. (a) The judge shall require a
21-49 defendant who is punished under Section 49.09, Penal Code, to
21-50 attend and successfully complete as a condition of community
21-51 supervision an educational program for repeat offenders that is
21-52 approved by the Department of State Health Services.

21-53 (b) The judge may waive the educational program requirement
21-54 only if the defendant by a motion in writing shows good cause. In
21-55 determining good cause, the judge may consider:

21-56 (1) the defendant's school and work schedule;

21-57 (2) the defendant's health;

21-58 (3) the distance that the defendant must travel to
21-59 attend an educational program; and

21-60 (4) whether the defendant resides out of state or does
21-61 not have access to transportation.

21-62 (c) The judge shall set out the finding of good cause in the
21-63 judgment. (Code Crim. Proc., Art. 42.12, Sec. 13(j) (part).)

21-64 Art. 42A.405. RULES FOR AND ADMINISTRATION OF EDUCATIONAL
21-65 PROGRAMS. (a) The Health and Human Services Commission shall adopt
21-66 rules for the educational program under Article 42A.404.

21-67 (b) The Department of State Health Services shall:

21-68 (1) publish the jointly approved rules for the
21-69 educational program under Article 42A.403; and

22-1 (2) monitor, coordinate, and provide training to
 22-2 persons providing the educational programs under this subchapter.

22-3 (c) The Department of State Health Services is responsible
 22-4 for the administration of the certification of approved educational
 22-5 programs.

22-6 (d) The Department of State Health Services may charge a
 22-7 nonrefundable application fee for the initial certification of
 22-8 approval or for a renewal of the certification. (Code Crim. Proc.,
 22-9 Art. 42.12, Secs. 13(h) (part), (j) (part).)

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

22-24 (b) On the defendant's successful completion of an
 22-25 educational program under Article 42A.403 or 42A.404, the
 22-26 defendant's instructor shall give notice to the Department of
 22-27 Public Safety for inclusion in the defendant's driving record and
 22-28 to the community supervision and corrections department. The
 22-29 community supervision and corrections department shall forward the
 22-30 notice to the court clerk for filing.

22-31 (c) If the Department of Public Safety does not receive
 22-32 notice that a defendant required to complete an educational program
 22-33 has successfully completed the program within the period required
 22-34 by the judge under this subchapter, as shown on department records,
 22-35 the department, as provided by Sections 521.344(e) and (f),
 22-36 Transportation Code, shall:

- 22-37 (1) revoke the defendant's driver's license; or
- 22-38 (2) prohibit the defendant from obtaining a license.

22-39 (d) The Department of Public Safety may not reinstate a
 22-40 license revoked under Subsection (c) as the result of an
 22-41 educational program requirement imposed under Article 42A.403
 22-42 unless the defendant whose license was revoked applies to the
 22-43 department for reinstatement of the license and pays to the
 22-44 department a reinstatement fee of \$100. The Department of Public
 22-45 Safety shall remit all fees collected under this subsection to the
 22-46 comptroller for deposit in the general revenue fund. (Code Crim.
 22-47 Proc., Art. 42.12, Secs. 13(h) (part), (j) (part).)

22-48 Art. 42A.407. SUSPENSION OF DRIVER'S LICENSE. (a) A jury
 22-49 that recommends community supervision for a defendant convicted of
 22-50 an offense under Sections 49.04-49.08, Penal Code, may recommend
 22-51 that any driver's license issued to the defendant under Chapter
 22-52 521, Transportation Code, not be suspended. This subsection does
 22-53 not apply to a defendant punished under Section 49.09(a) or (b),
 22-54 Penal Code, and subject to Section 49.09(h), Penal Code.

22-55 (b) Notwithstanding Sections 521.344(d)-(i),
 22-56 Transportation Code, if under Article 42A.404 the judge requires a
 22-57 defendant punished under Section 49.09, Penal Code, to attend an
 22-58 educational program as a condition of community supervision, or
 22-59 waives the required attendance for the program, and the defendant
 22-60 has previously been required to attend such an educational program,
 22-61 or the required attendance at the program had been waived, the judge
 22-62 shall order the suspension of the defendant's driver's license for a
 22-63 period determined by the judge according to the following schedule:

- 22-64 (1) not less than 90 days or more than one year, if the
 22-65 defendant is convicted under Sections 49.04-49.08, Penal Code;
- 22-66 (2) not less than 180 days or more than two years, if
 22-67 the defendant is punished under Section 49.09(a) or (b), Penal
 22-68 Code; or
- 22-69 (3) not less than one year or more than two years, if

23-1 the defendant is convicted of a second or subsequent offense under
 23-2 Sections 49.04-49.08, Penal Code, committed within five years of
 23-3 the date on which the most recent preceding offense was committed.

23-4 (c) If the Department of Public Safety receives notice that
 23-5 a defendant has been required to attend a subsequent educational
 23-6 program under Article 42A.403 or 42A.404, although the previously
 23-7 required attendance had been waived, but the judge has not ordered a
 23-8 period of suspension, the department shall:

23-9 (1) suspend the defendant's driver's license; or
 23-10 (2) issue an order prohibiting the defendant from
 23-11 obtaining a license for a period of one year.

23-12 (d) The judge shall suspend the defendant's driver's license
 23-13 for a period provided under Subchapter O, Chapter 521,
 23-14 Transportation Code, if:

23-15 (1) a judge revokes the community supervision of the
 23-16 defendant for:

23-17 (A) an offense under Section 49.04, Penal Code;
 23-18 or

23-19 (B) an offense involving the operation of a motor
 23-20 vehicle under Section 49.07, Penal Code; and

23-21 (2) the license has not previously been ordered by the
 23-22 judge to be suspended, or the suspension was previously probated.

23-23 (e) The suspension of a defendant's driver's license under
 23-24 Subsection (d) shall be reported to the Department of Public Safety
 23-25 as provided under Section 521.347, Transportation Code.

23-26 (f) Notwithstanding any other provision of this subchapter
 23-27 or other law, a judge who places on community supervision a
 23-28 defendant who was younger than 21 years of age at the time of the
 23-29 offense and was convicted for an offense under Sections
 23-30 49.04-49.08, Penal Code, shall order that the defendant's driver's
 23-31 license be suspended for 90 days beginning on the date the defendant
 23-32 is placed on community supervision. (Code Crim. Proc., Art. 42.12,
 23-33 Secs. 13(g), (k), (l), (m), (n) (part).)

23-34 Art. 42A.408. USE OF IGNITION INTERLOCK DEVICE. (a) In
 23-35 this article, "ignition interlock device" means a device that uses
 23-36 a deep-lung breath analysis mechanism to make impractical the
 23-37 operation of the motor vehicle if ethyl alcohol is detected in the
 23-38 breath of the operator.

23-39 (b) The court may require as a condition of community
 23-40 supervision that a defendant placed on community supervision after
 23-41 conviction of an offense under Sections 49.04-49.08, Penal Code,
 23-42 have an ignition interlock device installed on the motor vehicle
 23-43 owned by the defendant or on the vehicle most regularly driven by
 23-44 the defendant and that the defendant not operate any motor vehicle
 23-45 that is not equipped with that device.

23-46 (c) The court shall require as a condition of community
 23-47 supervision that a defendant described by Subsection (b) have an
 23-48 ignition interlock device installed on the motor vehicle owned by
 23-49 the defendant or on the vehicle most regularly driven by the
 23-50 defendant and that the defendant not operate any motor vehicle
 23-51 unless the vehicle is equipped with that device if:

23-52 (1) it is shown on the trial of the offense that an
 23-53 analysis of a specimen of the defendant's blood, breath, or urine
 23-54 showed an alcohol concentration level of 0.15 or more at the time
 23-55 the analysis was performed;

23-56 (2) the defendant is placed on community supervision
 23-57 after conviction of an offense under Sections 49.04-49.06, Penal
 23-58 Code, for which the defendant is punished under Section 49.09(a) or
 23-59 (b), Penal Code; or

23-60 (3) the court determines under Subsection (d) that the
 23-61 defendant has one or more previous convictions under Sections
 23-62 49.04-49.08, Penal Code.

23-63 (d) Before placing on community supervision a defendant
 23-64 convicted of an offense under Sections 49.04-49.08, Penal Code, the
 23-65 court shall determine from criminal history record information
 23-66 maintained by the Department of Public Safety whether the defendant
 23-67 has one or more previous convictions under any of those sections. A
 23-68 previous conviction may not be used for purposes of restricting a
 23-69 defendant to the operation of a motor vehicle equipped with an

24-1 ignition interlock device under Subsection (c) if:

24-2 (1) the previous conviction was a final conviction
 24-3 under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal
 24-4 Code, and was for an offense committed before the beginning of the
 24-5 10-year period preceding the date of the instant offense for which
 24-6 the defendant was convicted and placed on community supervision;
 24-7 and

24-8 (2) the defendant has not been convicted of an offense
 24-9 under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal
 24-10 Code, committed within the 10-year period preceding the date of the
 24-11 instant offense for which the defendant was convicted and placed on
 24-12 community supervision.

24-13 (e) Notwithstanding any other provision of this subchapter
 24-14 or other law, a judge who places on community supervision a
 24-15 defendant who was younger than 21 years of age at the time of the
 24-16 offense and was convicted for an offense under Sections
 24-17 49.04-49.08, Penal Code, shall require as a condition of community
 24-18 supervision that the defendant not operate any motor vehicle unless
 24-19 the vehicle is equipped with an ignition interlock device.

24-20 (f) The court shall require the defendant to obtain an
 24-21 ignition interlock device at the defendant's own cost before the
 24-22 30th day after the date of conviction unless the court finds that to
 24-23 do so would not be in the best interest of justice and enters its
 24-24 findings on record. The court shall require the defendant to
 24-25 provide evidence to the court within the 30-day period that the
 24-26 device has been installed on the appropriate vehicle and order the
 24-27 device to remain installed on that vehicle for a period the length
 24-28 of which is not less than 50 percent of the supervision period. If
 24-29 the court determines the defendant is unable to pay for the ignition
 24-30 interlock device, the court may impose a reasonable payment
 24-31 schedule not to exceed twice the length of the period of the court's
 24-32 order.

24-33 (g) The Department of Public Safety shall approve ignition
 24-34 interlock devices for use under this article. Section 521.247,
 24-35 Transportation Code, applies to the approval of a device under this
 24-36 article and the consequences of that approval.

24-37 (h) Notwithstanding any other provision of this subchapter,
 24-38 if a defendant is required to operate a motor vehicle in the course
 24-39 and scope of the defendant's employment and if the vehicle is owned
 24-40 by the employer, the defendant may operate that vehicle without
 24-41 installation of an approved ignition interlock device if the
 24-42 employer has been notified of that driving privilege restriction
 24-43 and if proof of that notification is with the vehicle. The
 24-44 employment exemption does not apply if the business entity that
 24-45 owns the vehicle is owned or controlled by the defendant. (Code
 24-46 Crim. Proc., Art. 42.12, Secs. 13(i) (part), (n) (part).)

24-47 Art. 42A.409. COMMUNITY SUPERVISION FOR ENHANCED PUBLIC
 24-48 INTOXICATION OFFENSE. (a) On conviction of an offense punishable
 24-49 as a Class C misdemeanor under Section 49.02, Penal Code, for which
 24-50 punishment is enhanced under Section 12.43(c), Penal Code, based on
 24-51 previous convictions under Section 49.02 or 42.01, Penal Code, the
 24-52 court may suspend the imposition of the sentence and place the
 24-53 defendant on community supervision if the court finds that the
 24-54 defendant would benefit from community supervision and enters its
 24-55 finding on the record. The judge may suspend in whole or in part the
 24-56 imposition of any fine imposed on conviction.

24-57 (b) All provisions of this chapter applying to a defendant
 24-58 placed on community supervision for a misdemeanor apply to a
 24-59 defendant placed on community supervision under Subsection (a),
 24-60 except that the court shall require the defendant as a condition of
 24-61 community supervision to:

24-62 (1) submit to diagnostic testing for addiction to
 24-63 alcohol or a controlled substance or drug;

24-64 (2) submit to a psychological assessment;

24-65 (3) if indicated as necessary by testing and
 24-66 assessment, participate in an alcohol or drug abuse treatment or
 24-67 education program; and

24-68 (4) pay the costs of testing, assessment, and
 24-69 treatment or education, either directly or as a court cost. (Code

25-1 Crim. Proc., Art. 42.12, Sec. 15A.)

25-2 SUBCHAPTER J. CONDITIONS APPLICABLE TO SEX OFFENDERS

25-3 Art. 42A.451. SEX OFFENDER REGISTRATION; DNA SAMPLE. A
25-4 judge granting community supervision to a defendant required to
25-5 register as a sex offender under Chapter 62 shall require that the
25-6 defendant, as a condition of community supervision:

25-7 (1) register under that chapter; and

25-8 (2) submit a DNA sample to the Department of Public
25-9 Safety under Subchapter G, Chapter 411, Government Code, for the
25-10 purpose of creating a DNA record of the defendant, unless the
25-11 defendant has already submitted the required sample under other
25-12 state law. (Code Crim. Proc., Art. 42.12, Sec. 11(e).)

25-13 Art. 42A.452. TREATMENT, SPECIALIZED SUPERVISION, OR
25-14 REHABILITATION. A judge who grants community supervision to a sex
25-15 offender evaluated under Article 42A.258 may require the sex
25-16 offender as a condition of community supervision to submit to
25-17 treatment, specialized supervision, or rehabilitation according to
25-18 offense-specific standards of practice adopted by the Council on
25-19 Sex Offender Treatment. On a finding that the defendant is
25-20 financially able to make payment, the judge shall require the
25-21 defendant to pay all or part of the reasonable and necessary costs
25-22 of the treatment, supervision, or rehabilitation. (Code Crim.
25-23 Proc., Art. 42.12, Sec. 11(i).)

25-24 Art. 42A.453. CHILD SAFETY ZONE. (a) In this article,
25-25 "playground," "premises," "school," "video arcade facility," and
25-26 "youth center" have the meanings assigned by Section 481.134,
25-27 Health and Safety Code.

25-28 (b) This article applies to a defendant placed on community
25-29 supervision for an offense under:

25-30 (1) Section 20.04(a)(4), Penal Code, if the defendant
25-31 committed the offense with the intent to violate or abuse the victim
25-32 sexually;

25-33 (2) Section 20A.02, Penal Code, if the defendant:

25-34 (A) trafficked the victim with the intent or
25-35 knowledge that the victim would engage in sexual conduct, as
25-36 defined by Section 43.25, Penal Code; or

25-37 (B) benefited from participating in a venture
25-38 that involved a trafficked victim engaging in sexual conduct, as
25-39 defined by Section 43.25, Penal Code;

25-40 (3) Section 21.08, 21.11, 22.011, 22.021, or 25.02,
25-41 Penal Code;

25-42 (4) Section 30.02, Penal Code, punishable under
25-43 Subsection (d) of that section, if the defendant committed the
25-44 offense with the intent to commit a felony listed in Subdivision (1)
25-45 or (3); or

25-46 (5) Section 43.05(a)(2), 43.25, or 43.26, Penal Code.

25-47 (c) If a judge grants community supervision to a defendant
25-48 described by Subsection (b) and the judge determines that a child as
25-49 defined by Section 22.011(c), Penal Code, was the victim of the
25-50 offense, the judge shall establish a child safety zone applicable
25-51 to the defendant by requiring as a condition of community
25-52 supervision that the defendant:

25-53 (1) not:

25-54 (A) supervise or participate in any program that:

25-55 (i) includes as participants or recipients
25-56 persons who are 17 years of age or younger; and

25-57 (ii) regularly provides athletic, civic, or
25-58 cultural activities; or

25-59 (B) go in, on, or within 1,000 feet of a premises
25-60 where children commonly gather, including a school, day-care
25-61 facility, playground, public or private youth center, public
25-62 swimming pool, or video arcade facility; and

25-63 (2) attend psychological counseling sessions for sex
25-64 offenders with an individual or organization that provides sex
25-65 offender treatment or counseling as specified or approved by the
25-66 judge or the defendant's supervision officer.

25-67 (d) Notwithstanding Subsection (c)(1), a judge is not
25-68 required to impose the conditions described by Subsection (c)(1) if
25-69 the defendant is a student at a primary or secondary school.

26-1 (e) At any time after the imposition of a condition under
26-2 Subsection (c)(1), the defendant may request the court to modify
26-3 the child safety zone applicable to the defendant because the zone
26-4 as created by the court:

26-5 (1) interferes with the defendant's ability to attend
26-6 school or hold a job and consequently constitutes an undue hardship
26-7 for the defendant; or

26-8 (2) is broader than is necessary to protect the
26-9 public, given the nature and circumstances of the offense.

26-10 (f) A supervision officer for a defendant described by
26-11 Subsection (b) may permit the defendant to enter on an
26-12 event-by-event basis into the child safety zone from which the
26-13 defendant is otherwise prohibited from entering if:

26-14 (1) the defendant has served at least two years of the
26-15 period of community supervision;

26-16 (2) the defendant enters the zone as part of a program
26-17 to reunite with the defendant's family;

26-18 (3) the defendant presents to the supervision officer
26-19 a written proposal specifying where the defendant intends to go
26-20 within the zone, why and with whom the defendant is going, and how
26-21 the defendant intends to cope with any stressful situations that
26-22 occur;

26-23 (4) the sex offender treatment provider treating the
26-24 defendant agrees with the supervision officer that the defendant
26-25 should be allowed to attend the event; and

26-26 (5) the supervision officer and the treatment provider
26-27 agree on a chaperon to accompany the defendant and the chaperon
26-28 agrees to perform that duty.

26-29 (g) Article 42A.051(b) does not prohibit a supervision
26-30 officer from modifying a condition of community supervision by
26-31 permitting a defendant to enter a child safety zone under
26-32 Subsection (f).

26-33 (h) Notwithstanding Subsection (c)(1)(B), a requirement
26-34 that a defendant not go in, on, or within 1,000 feet of certain
26-35 premises does not apply to a defendant while the defendant is in or
26-36 going immediately to or from a:

26-37 (1) community supervision and corrections department
26-38 office;

26-39 (2) premises at which the defendant is participating
26-40 in a program or activity required as a condition of community
26-41 supervision;

26-42 (3) residential facility in which the defendant is
26-43 required to reside as a condition of community supervision, if the
26-44 facility was in operation as a residence for defendants on
26-45 community supervision on June 1, 2003; or

26-46 (4) private residence at which the defendant is
26-47 required to reside as a condition of community supervision.

26-48 (i) A supervision officer who under Subsection (c)(2)
26-49 specifies a sex offender treatment provider to provide counseling
26-50 to a defendant shall:

26-51 (1) contact the provider before the defendant is
26-52 released;

26-53 (2) establish the date, time, and place of the first
26-54 session between the defendant and the provider; and

26-55 (3) request the provider to immediately notify the
26-56 supervision officer if the defendant fails to attend the first
26-57 session or any subsequent scheduled session. (Code Crim. Proc.,
26-58 Art. 42.12, Sec. 13B.)

26-59 Art. 42A.454. CERTAIN INTERNET ACTIVITY PROHIBITED. (a)
26-60 This article applies only to a defendant who is required to register
26-61 as a sex offender under Chapter 62, by court order or otherwise,
26-62 and:

26-63 (1) is convicted of or receives a grant of deferred
26-64 adjudication community supervision for a violation of Section
26-65 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal
26-66 Code;

26-67 (2) used the Internet or any other type of electronic
26-68 device used for Internet access to commit the offense or engage in
26-69 the conduct for which the person is required to register under

27-1 Chapter 62; or
 27-2 (3) is assigned a numeric risk level of three based on
 27-3 an assessment conducted under Article 62.007.

27-4 (b) If the court grants community supervision to a defendant
 27-5 described by Subsection (a), the court as a condition of community
 27-6 supervision shall prohibit the defendant from using the Internet
 27-7 to:

27-8 (1) access material that is obscene, as defined by
 27-9 Section 43.21, Penal Code;

27-10 (2) access a commercial social networking site, as
 27-11 defined by Article 62.0061(f);

27-12 (3) communicate with any individual concerning sexual
 27-13 relations with an individual who is younger than 17 years of age; or

27-14 (4) communicate with another individual the defendant
 27-15 knows is younger than 17 years of age.

27-16 (c) The court may modify at any time the condition described
 27-17 by Subsection (b)(4) if:

27-18 (1) the condition interferes with the defendant's
 27-19 ability to attend school or become or remain employed and
 27-20 consequently constitutes an undue hardship for the defendant; or

27-21 (2) the defendant is the parent or guardian of an
 27-22 individual who is younger than 17 years of age and the defendant is
 27-23 not otherwise prohibited from communicating with that individual.
 27-24 (Code Crim. Proc., Art. 42.12, Sec. 13G.)

27-25 Art. 42A.455. PAYMENT TO CHILDREN'S ADVOCACY CENTER. A
 27-26 judge who grants community supervision to a defendant charged with
 27-27 or convicted of an offense under Section 21.11 or 22.011(a)(2),
 27-28 Penal Code, may require the defendant to make one payment in an
 27-29 amount not to exceed \$50 to a children's advocacy center
 27-30 established under Subchapter E, Chapter 264, Family Code. (Code
 27-31 Crim. Proc., Art. 42.12, Sec. 11(g).)

27-32 SUBCHAPTER K. CONDITIONS APPLICABLE TO CERTAIN OTHER OFFENSES AND
 27-33 OFFENDERS

27-34 Art. 42A.501. COMMUNITY SUPERVISION FOR OFFENSE COMMITTED
 27-35 BECAUSE OF BIAS OR PREJUDICE. (a) A court granting community
 27-36 supervision to a defendant convicted of an offense for which the
 27-37 court has made an affirmative finding under Article 42.014 shall
 27-38 require as a term of community supervision that the defendant:

27-39 (1) serve a term of not more than one year imprisonment
 27-40 in the Texas Department of Criminal Justice if the offense is a
 27-41 felony other than an offense under Section 19.02, Penal Code; or

27-42 (2) serve a term of not more than 90 days confinement
 27-43 in jail if the offense is a misdemeanor.

27-44 (b) The court may not grant community supervision on its own
 27-45 motion or on the recommendation of the jury to a defendant convicted
 27-46 of an offense for which the court has made an affirmative finding
 27-47 under Article 42.014 if:

27-48 (1) the offense for which the court has made the
 27-49 affirmative finding is an offense under Section 19.02, Penal Code;
 27-50 or

27-51 (2) the defendant has been previously convicted of an
 27-52 offense for which the court made an affirmative finding under
 27-53 Article 42.014. (Code Crim. Proc., Art. 42.12, Sec. 13A.)

27-54 Art. 42A.502. COMMUNITY SUPERVISION FOR CERTAIN VIOLENT
 27-55 OFFENSES; CHILD SAFETY ZONE. (a) In this article, "playground,"
 27-56 "premises," "school," "video arcade facility," and "youth center"
 27-57 have the meanings assigned by Section 481.134, Health and Safety
 27-58 Code.

27-59 (b) A judge granting community supervision to a defendant
 27-60 convicted of an offense listed in Article 42A.054(a) or for which
 27-61 the judgment contains an affirmative finding under Article
 27-62 42A.054(c) or (d) may establish a child safety zone applicable to
 27-63 the defendant, if the nature of the offense for which the defendant
 27-64 is convicted warrants the establishment of a child safety zone, by
 27-65 requiring as a condition of community supervision that the
 27-66 defendant not:

27-67 (1) supervise or participate in any program that:

27-68 (A) includes as participants or recipients
 27-69 persons who are 17 years of age or younger; and

28-1 (B) regularly provides athletic, civic, or
28-2 cultural activities; or
28-3 (2) go in or on, or within a distance specified by the
28-4 judge of, a premises where children commonly gather, including a
28-5 school, day-care facility, playground, public or private youth
28-6 center, public swimming pool, or video arcade facility.
28-7 (c) At any time after the imposition of a condition under
28-8 Subsection (b), the defendant may request the judge to modify the
28-9 child safety zone applicable to the defendant because the zone as
28-10 created by the judge:
28-11 (1) interferes with the defendant's ability to attend
28-12 school or hold a job and consequently constitutes an undue hardship
28-13 for the defendant; or
28-14 (2) is broader than is necessary to protect the
28-15 public, given the nature and circumstances of the offense.
28-16 (d) This article does not apply to a defendant described by
28-17 Article 42A.453. (Code Crim. Proc., Art. 42.12, Sec. 13D.)
28-18 Art. 42A.503. COMMUNITY SUPERVISION FOR CERTAIN CHILD ABUSE
28-19 OFFENSES; PROHIBITED CONTACT WITH VICTIM. (a) If the court grants
28-20 community supervision to a defendant convicted of an offense
28-21 described by Article 17.41(a), the court may require as a condition
28-22 of community supervision that the defendant not:
28-23 (1) directly communicate with the victim of the
28-24 offense; or
28-25 (2) go near a residence, school, or other location, as
28-26 specifically described in the copy of terms and conditions, that is
28-27 frequented by the victim.
28-28 (b) In imposing the condition under Subsection (a), the
28-29 court may grant the defendant supervised access to the victim.
28-30 (c) To the extent that a condition imposed under this
28-31 article conflicts with an existing court order granting possession
28-32 of or access to a child, the condition imposed under this article
28-33 prevails for a period specified by the court granting community
28-34 supervision, not to exceed 90 days. (Code Crim. Proc., Art. 42.12,
28-35 Sec. 14(a), as amended Acts 73rd Leg., R.S., Ch. 165 (H.B. 119),
28-36 Acts 76th Leg., R.S., Ch. 910 (H.B. 2187), Acts 78th Leg., R.S., Ch.
28-37 353 (S.B. 1054), Acts 80th Leg., R.S., Ch. 113 (S.B. 44).)
28-38 Art. 42A.504. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES
28-39 INVOLVING FAMILY VIOLENCE; SPECIAL CONDITIONS. (a) In this
28-40 article:
28-41 (1) "Family violence" has the meaning assigned by
28-42 Section 71.004, Family Code.
28-43 (2) "Family violence center" has the meaning assigned
28-44 by Section 51.002, Human Resources Code.
28-45 (b) If a judge grants community supervision to a defendant
28-46 convicted of an offense under Title 5, Penal Code, that the court
28-47 determines involves family violence, the judge shall require the
28-48 defendant to pay \$100 to a family violence center that:
28-49 (1) receives state or federal funds; and
28-50 (2) serves the county in which the court is located.
28-51 (c) If the court grants community supervision to a defendant
28-52 convicted of an offense involving family violence, the court may
28-53 require the defendant, at the direction of the supervision officer,
28-54 to:
28-55 (1) attend a battering intervention and prevention
28-56 program or counsel with a provider of battering intervention and
28-57 prevention services if the program or provider has been accredited
28-58 under Section 4A, Article 42.141, as conforming to program
28-59 guidelines under that article; or
28-60 (2) if the referral option under Subdivision (1) is
28-61 not available, attend counseling sessions for the elimination of
28-62 violent behavior with a licensed counselor, social worker, or other
28-63 professional who has completed family violence intervention
28-64 training that the community justice assistance division of the
28-65 Texas Department of Criminal Justice has approved, after
28-66 consultation with the licensing authorities described by Chapters
28-67 152, 501, 502, 503, and 505, Occupations Code, and experts in the
28-68 field of family violence.
28-69 (d) If the court requires the defendant to attend counseling

29-1 or a program, the court shall require the defendant to begin
 29-2 attendance not later than the 60th day after the date the court
 29-3 grants community supervision, notify the supervision officer of the
 29-4 name, address, and phone number of the counselor or program, and
 29-5 report the defendant's attendance to the supervision officer. The
 29-6 court shall require the defendant to pay all the reasonable costs of
 29-7 the counseling sessions or attendance in the program on a finding
 29-8 that the defendant is financially able to make payment. If the
 29-9 court finds the defendant is unable to make payment, the court shall
 29-10 make the counseling sessions or enrollment in the program available
 29-11 without cost to the defendant. The court may also require the
 29-12 defendant to pay all or a part of the reasonable costs incurred by
 29-13 the victim for counseling made necessary by the offense, on a
 29-14 finding that the defendant is financially able to make payment. The
 29-15 court may order the defendant to make payments under this
 29-16 subsection for a period not to exceed one year after the date on
 29-17 which the order is entered. (Code Crim. Proc., Art. 42.12, Sec.
 29-18 11(h); Secs. 14(c), (c-1), (c-2), as amended Acts 73rd Leg., R.S.,
 29-19 Ch. 165 (H.B. 119), Acts 76th Leg., R.S., Ch. 910 (H.B. 2187), Acts
 29-20 78th Leg., R.S., Ch. 353 (S.B. 1054), Acts 80th Leg., R.S., Ch. 113
 29-21 (S.B. 44).)

29-22 Art. 42A.505. COMMUNITY SUPERVISION FOR STALKING OFFENSE;
 29-23 PROHIBITED CONTACT WITH VICTIM. (a) If the court grants community
 29-24 supervision to a defendant convicted of an offense under Section
 29-25 42.072, Penal Code, the court may require as a condition of
 29-26 community supervision that the defendant not:

29-27 (1) communicate directly or indirectly with the
 29-28 victim; or

29-29 (2) go to or near:

29-30 (A) the residence, place of employment, or
 29-31 business of the victim; or

29-32 (B) a school, day-care facility, or similar
 29-33 facility where a dependent child of the victim is in attendance.

29-34 (b) If the court requires the prohibition contained in
 29-35 Subsection (a)(2) as a condition of community supervision, the
 29-36 court shall specifically describe the prohibited locations and the
 29-37 minimum distances, if any, that the defendant must maintain from
 29-38 the locations. (Code Crim. Proc., Art. 42.12, Sec. 11(l).)

29-39 Art. 42A.506. COMMUNITY SUPERVISION FOR DEFENDANT WITH
 29-40 MENTAL IMPAIRMENT. If the judge places a defendant on community
 29-41 supervision and the defendant is determined to be a person with
 29-42 mental illness or a person with an intellectual disability, as
 29-43 provided by Article 16.22 or Chapter 46B or in a psychological
 29-44 evaluation conducted under Article 42A.253(a)(6), the judge may
 29-45 require the defendant as a condition of community supervision to
 29-46 submit to outpatient or inpatient mental health or intellectual
 29-47 disability treatment if:

29-48 (1) the defendant's:

29-49 (A) mental impairment is chronic in nature; or

29-50 (B) ability to function independently will
 29-51 continue to deteriorate if the defendant does not receive mental
 29-52 health or intellectual disability services; and

29-53 (2) the judge determines, in consultation with a local
 29-54 mental health or intellectual disability services provider, that
 29-55 mental health or intellectual disability services, as appropriate,
 29-56 are available for the defendant through:

29-57 (A) the Department of State Health Services or
 29-58 the Department of Aging and Disability Services under Section
 29-59 534.053, Health and Safety Code; or

29-60 (B) another mental health or intellectual
 29-61 disability services provider. (Code Crim. Proc., Art. 42.12, Sec.
 29-62 11(d).)

29-63 Art. 42A.507. COMMUNITY SUPERVISION FOR CERTAIN DEFENDANTS
 29-64 IDENTIFIED AS MEMBERS OF CRIMINAL STREET GANGS; ELECTRONIC
 29-65 MONITORING. (a) This article applies only to a defendant who:

29-66 (1) is identified as a member of a criminal street gang
 29-67 in an intelligence database established under Chapter 61; and

29-68 (2) has two or more times been previously convicted
 29-69 of, or received a grant of deferred adjudication community

30-1 supervision or another functionally equivalent form of community
 30-2 supervision or probation for, a felony offense under the laws of
 30-3 this state, another state, or the United States.

30-4 (b) A court granting community supervision to a defendant
 30-5 described by Subsection (a) may, on the defendant's conviction of a
 30-6 felony offense, require as a condition of community supervision
 30-7 that the defendant submit to tracking under an electronic
 30-8 monitoring service or other appropriate technological service
 30-9 designed to track a person's location. (Code Crim. Proc., Art.
 30-10 [42.12](#), Sec. 13E.)

30-11 Art. 42A.508. COMMUNITY SUPERVISION FOR CERTAIN ORGANIZED
 30-12 CRIME OFFENSES; RESTRICTIONS ON OPERATION OF MOTOR VEHICLE. A
 30-13 court granting community supervision to a defendant convicted of an
 30-14 offense under Chapter 71, Penal Code, may impose as a condition of
 30-15 community supervision restrictions on the defendant's operation of
 30-16 a motor vehicle, including specifying:

30-17 (1) hours during which the defendant may not operate a
 30-18 motor vehicle; and

30-19 (2) locations at or in which the defendant may not
 30-20 operate a motor vehicle. (Code Crim. Proc., Art. [42.12](#), Sec. 13F.)

30-21 Art. 42A.509. COMMUNITY SUPERVISION FOR GRAFFITI OFFENSE.
 30-22 A court granting community supervision to a defendant convicted of
 30-23 an offense under Section [28.08](#), Penal Code, shall require as a
 30-24 condition of community supervision that the defendant perform:

30-25 (1) at least 15 hours of community service if the
 30-26 amount of pecuniary loss resulting from the commission of the
 30-27 offense is \$50 or more but less than \$500; or

30-28 (2) at least 30 hours of community service if the
 30-29 amount of pecuniary loss resulting from the commission of the
 30-30 offense is \$500 or more. (Code Crim. Proc., Art. [42.12](#), Sec.
 30-31 11(k).)

30-32 Art. 42A.510. COMMUNITY SUPERVISION FOR ENHANCED
 30-33 DISORDERLY CONDUCT OFFENSE. (a) On conviction of an offense
 30-34 punishable as a Class C misdemeanor under Section [42.01](#), Penal
 30-35 Code, for which punishment is enhanced under Section [12.43](#)(c),
 30-36 Penal Code, based on previous convictions under Section [42.01](#) or
 30-37 [49.02](#), Penal Code, the court may suspend the imposition of the
 30-38 sentence and place the defendant on community supervision if the
 30-39 court finds that the defendant would benefit from community
 30-40 supervision and enters its finding on the record. The judge may
 30-41 suspend in whole or in part the imposition of any fine imposed on
 30-42 conviction.

30-43 (b) All provisions of this chapter applying to a defendant
 30-44 placed on community supervision for a misdemeanor apply to a
 30-45 defendant placed on community supervision under this article,
 30-46 except that the court shall require the defendant as a condition of
 30-47 community supervision to:

30-48 (1) submit to diagnostic testing for addiction to
 30-49 alcohol or a controlled substance or drug;

30-50 (2) submit to a psychological assessment;

30-51 (3) if indicated as necessary by testing and
 30-52 assessment, participate in an alcohol or drug abuse treatment or
 30-53 education program; and

30-54 (4) pay the costs of testing, assessment, and
 30-55 treatment or education, either directly or as a court cost. (Code
 30-56 Crim. Proc., Art. [42.12](#), Sec. 15A.)

30-57 Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES
 30-58 INVOLVING ANIMALS. If a judge grants community supervision to a
 30-59 defendant convicted of an offense under Section [42.09](#), [42.091](#),
 30-60 [42.092](#), or [42.10](#), Penal Code, the judge may require the defendant to
 30-61 attend a responsible pet owner course sponsored by a municipal
 30-62 animal shelter, as defined by Section [823.001](#), Health and Safety
 30-63 Code, that:

30-64 (1) receives federal, state, county, or municipal
 30-65 funds; and

30-66 (2) serves the county in which the court is located.
 30-67 (Code Crim. Proc., Art. [42.12](#), Sec. 11(m).)

30-68 Art. 42A.512. COMMUNITY SUPERVISION FOR ELECTRONIC
 30-69 TRANSMISSION OF CERTAIN VISUAL MATERIAL. (a) In this article,

31-1 "parent" means a natural or adoptive parent, managing or possessory
 31-2 conservator, or legal guardian. The term does not include a parent
 31-3 whose parental rights have been terminated.

31-4 (b) If a judge grants community supervision to a defendant
 31-5 who is convicted of or charged with an offense under Section 43.261,
 31-6 Penal Code, the judge may require as a condition of community
 31-7 supervision that the defendant attend and successfully complete an
 31-8 educational program described by Section 37.218, Education Code, or
 31-9 another equivalent educational program.

31-10 (c) The court shall require the defendant or the defendant's
 31-11 parent to pay the cost of attending an educational program under
 31-12 Subsection (b) if the court determines that the defendant or the
 31-13 defendant's parent is financially able to make payment. (Code
 31-14 Crim. Proc., Art. 42.12, Sec. 13H.)

31-15 Art. 42A.513. COMMUNITY SUPERVISION FOR MAKING FIREARM
 31-16 ACCESSIBLE TO CHILD. (a) A court granting community supervision to
 31-17 a defendant convicted of an offense under Section 46.13, Penal
 31-18 Code, may require as a condition of community supervision that the
 31-19 defendant:

31-20 (1) provide an appropriate public service activity
 31-21 designated by the court; or

31-22 (2) attend a firearms safety course that meets or
 31-23 exceeds the requirements set by the National Rifle Association as
 31-24 of January 1, 1995, for a firearms safety course that requires not
 31-25 more than 17 hours of instruction.

31-26 (b) The court shall require the defendant to pay the cost of
 31-27 attending the firearms safety course under Subsection (a)(2).
 31-28 (Code Crim. Proc., Art. 42.12, Sec. 13C.)

31-29 SUBCHAPTER L. STATE JAIL FELONY COMMUNITY SUPERVISION

31-30 Art. 42A.551. PLACEMENT ON COMMUNITY SUPERVISION;
 31-31 EXECUTION OF SENTENCE. (a) Except as otherwise provided by
 31-32 Subsection (b) or (c), on conviction of a state jail felony under
 31-33 Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3),
 31-34 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is
 31-35 punished under Section 12.35(a), Penal Code, the judge shall
 31-36 suspend the imposition of the sentence and place the defendant on
 31-37 community supervision.

31-38 (b) If the defendant has been previously convicted of a
 31-39 felony, other than a felony punished under Section 12.44(a), Penal
 31-40 Code, or if the conviction resulted from an adjudication of the
 31-41 guilt of a defendant previously placed on deferred adjudication
 31-42 community supervision for the offense, the judge may:

31-43 (1) suspend the imposition of the sentence and place
 31-44 the defendant on community supervision; or

31-45 (2) order the sentence to be executed.

31-46 (c) Subsection (a) does not apply to a defendant who:

31-47 (1) under Section 481.1151(b)(1), Health and Safety
 31-48 Code, possessed more than five abuse units of the controlled
 31-49 substance;

31-50 (2) under Section 481.1161(b)(3), Health and Safety
 31-51 Code, possessed more than one pound, by aggregate weight, including
 31-52 adulterants or dilutants, of the controlled substance; or

31-53 (3) under Section 481.121(b)(3), Health and Safety
 31-54 Code, possessed more than one pound of marihuana.

31-55 (d) On conviction of a state jail felony punished under
 31-56 Section 12.35(a), Penal Code, other than a state jail felony listed
 31-57 in Subsection (a), subject to Subsection (e), the judge may:

31-58 (1) suspend the imposition of the sentence and place
 31-59 the defendant on community supervision; or

31-60 (2) order the sentence to be executed:

31-61 (A) in whole; or

31-62 (B) in part, with a period of community
 31-63 supervision to begin immediately on release of the defendant from
 31-64 confinement.

31-65 (e) In any case in which the jury assesses punishment, the
 31-66 judge must follow the recommendations of the jury in suspending the
 31-67 imposition of a sentence or ordering a sentence to be executed. If
 31-68 a jury assessing punishment does not recommend community
 31-69 supervision, the judge must order the sentence to be executed in

32-1 whole.

32-2 (f) A defendant is considered to be finally convicted if the
32-3 judge orders the sentence to be executed under Subsection (d)(2),
32-4 regardless of whether the judge orders the sentence to be executed
32-5 in whole or only in part.

32-6 (g) The judge may suspend in whole or in part the imposition
32-7 of any fine imposed on conviction. (Code Crim. Proc., Art. 42.12,
32-8 Sec. 15(a).)

32-9 Art. 42A.552. REVIEW OF PRESENTENCE REPORT. Before
32-10 imposing a sentence in a state jail felony case in which the judge
32-11 assesses punishment, the judge shall:

32-12 (1) review the presentence report prepared for the
32-13 defendant under Subchapter F; and

32-14 (2) determine whether the best interests of justice
32-15 require the judge to:

32-16 (A) suspend the imposition of the sentence and
32-17 place the defendant on community supervision; or

32-18 (B) order the sentence to be executed in whole or
32-19 in part as provided by Article 42A.551(d). (Code Crim. Proc., Art.
32-20 42.12, Sec. 15(c)(1) (part).)

32-21 Art. 42A.553. MINIMUM AND MAXIMUM PERIODS OF COMMUNITY
32-22 SUPERVISION; EXTENSION. (a) The minimum period of community
32-23 supervision a judge may impose under this subchapter is two years.
32-24 The maximum period of community supervision a judge may impose
32-25 under this subchapter is five years, except that the judge may
32-26 extend the maximum period of community supervision under this
32-27 subchapter to not more than 10 years.

32-28 (b) A judge may extend a period of community supervision
32-29 under this subchapter:

32-30 (1) at any time during the period of community
32-31 supervision; or

32-32 (2) before the first anniversary of the date the
32-33 period of community supervision ends, if a motion for revocation of
32-34 community supervision is filed before the date the period of
32-35 community supervision ends. (Code Crim. Proc., Art. 42.12, Sec.
32-36 15(b).)

32-37 Art. 42A.554. CONDITIONS OF COMMUNITY SUPERVISION. (a) A
32-38 judge assessing punishment in a state jail felony case may impose
32-39 any condition of community supervision on the defendant that the
32-40 judge could impose on a defendant placed on supervision for an
32-41 offense other than a state jail felony.

32-42 (b) If the judge suspends the execution of the sentence or
32-43 orders the execution of the sentence only in part as provided by
32-44 Article 42A.551(d), the judge shall impose conditions of community
32-45 supervision consistent with the recommendations contained in the
32-46 presentence report prepared for the defendant under Subchapter F.

32-47 (c) Except as otherwise provided by this subsection, a judge
32-48 who places a defendant on community supervision for an offense
32-49 listed in Article 42A.551(a) shall require the defendant to comply
32-50 with substance abuse treatment conditions that are consistent with
32-51 standards adopted by the Texas Board of Criminal Justice under
32-52 Section 509.015, Government Code. A judge is not required to impose
32-53 the substance abuse treatment conditions if the judge makes an
32-54 affirmative finding that the defendant does not require imposition
32-55 of the conditions to successfully complete the period of community
32-56 supervision. (Code Crim. Proc., Art. 42.12, Secs. 15(c)(1) (part),
32-57 (2), (3).)

32-58 Art. 42A.555. CONFINEMENT AS A CONDITION OF COMMUNITY
32-59 SUPERVISION. (a) A judge assessing punishment in a state jail
32-60 felony case may impose as a condition of community supervision that
32-61 a defendant submit at the beginning of the period of community
32-62 supervision to a term of confinement in a state jail felony facility
32-63 for a term of:

32-64 (1) not less than 90 days or more than 180 days; or

32-65 (2) not less than 90 days or more than one year, if the
32-66 defendant is convicted of an offense punishable as a state jail
32-67 felony under Section 481.112, 481.1121, 481.113, or 481.120, Health
32-68 and Safety Code.

32-69 (b) A judge may not require a defendant to submit to both the

33-1 term of confinement authorized by this article and a term of
 33-2 confinement under Subchapter C or Article 42A.302. (Code Crim.
 33-3 Proc., Art. 42.12, Secs. 15(c)(1) (part), (d) (part).)

33-4 Art. 42A.556. SANCTIONS IMPOSED ON MODIFICATION OF
 33-5 COMMUNITY SUPERVISION. If in a state jail felony case a defendant
 33-6 violates a condition of community supervision imposed under this
 33-7 chapter and after a hearing under Article 42A.751(d) the judge
 33-8 modifies the defendant's community supervision, the judge may
 33-9 impose any sanction permitted by Article 42A.752, except that if
 33-10 the judge requires a defendant to serve a term of confinement in a
 33-11 state jail felony facility as a modification of the defendant's
 33-12 community supervision, the minimum term of confinement is 90 days
 33-13 and the maximum term of confinement is 180 days. (Code Crim. Proc.,
 33-14 Art. 42.12, Sec. 15(e).)

33-15 Art. 42A.557. REPORT BY DIRECTOR OF FACILITY. The facility
 33-16 director of a state jail felony facility shall report to a judge who
 33-17 orders a defendant confined in the facility as a condition of
 33-18 community supervision or as a sanction imposed on a modification of
 33-19 community supervision under Article 42A.556 not less than every 90
 33-20 days on the defendant's programmatic progress, conduct, and
 33-21 conformity to the rules of the facility. (Code Crim. Proc., Art.
 33-22 42.12, Sec. 15(g).)

33-23 Art. 42A.558. REVOCATION; OPTIONS REGARDING EXECUTION OF
 33-24 SENTENCE. (a) If in a state jail felony case a defendant violates a
 33-25 condition of community supervision imposed under this chapter and
 33-26 after a hearing under Article 42A.751(d) the judge revokes the
 33-27 defendant's community supervision, the judge shall dispose of the
 33-28 case in the manner provided by Article 42A.755.

33-29 (b) The court retains jurisdiction over the defendant for
 33-30 the period during which the defendant is confined in a state jail
 33-31 felony facility. At any time after the 75th day after the date the
 33-32 defendant is received into the custody of a state jail felony
 33-33 facility, the judge on the judge's own motion, on the motion of the
 33-34 attorney representing the state, or on the motion of the defendant
 33-35 may suspend further execution of the sentence and place the
 33-36 defendant on community supervision under the conditions of this
 33-37 subchapter.

33-38 (c) When the defendant or the attorney representing the
 33-39 state files a written motion requesting the judge to suspend
 33-40 further execution of the sentence and place the defendant on
 33-41 community supervision, the clerk of the court, if requested to do so
 33-42 by the judge, shall request a copy of the defendant's record while
 33-43 confined from the facility director of the state jail felony
 33-44 facility in which the defendant is confined or, if the defendant is
 33-45 confined in county jail, from the sheriff. On receipt of the
 33-46 request, the facility director or the sheriff shall forward a copy
 33-47 of the record to the judge as soon as possible.

33-48 (d) When the defendant files a written motion requesting the
 33-49 judge to suspend further execution of the sentence and place the
 33-50 defendant on community supervision, the defendant shall
 33-51 immediately deliver or cause to be delivered a copy of the motion to
 33-52 the office of the attorney representing the state. The judge may
 33-53 deny the motion without holding a hearing but may not grant the
 33-54 motion without holding a hearing and providing the attorney
 33-55 representing the state and the defendant the opportunity to present
 33-56 evidence on the motion. (Code Crim. Proc., Art. 42.12, Sec. 15(f).)

33-57 Art. 42A.559. CREDITS FOR TIME SERVED. (a) For purposes of
 33-58 this article, "diligent participation" includes:

33-59 (1) successful completion of an educational,
 33-60 vocational, or treatment program;

33-61 (2) progress toward successful completion of an
 33-62 educational, vocational, or treatment program that was interrupted
 33-63 by illness, injury, or another circumstance outside the control of
 33-64 the defendant; and

33-65 (3) active involvement in a work program.

33-66 (b) A defendant confined in a state jail felony facility
 33-67 does not earn good conduct time for time served in the facility but
 33-68 may be awarded diligent participation credit in accordance with
 33-69 Subsection (f).

34-1 (c) A judge:

34-2 (1) may credit against any time a defendant is
34-3 required to serve in a state jail felony facility time served in a
34-4 county jail from the time of the defendant's arrest and confinement
34-5 until sentencing by the trial court; and

34-6 (2) shall credit against any time a defendant is
34-7 required to serve in a state jail felony facility time served before
34-8 sentencing in a substance abuse felony punishment facility operated
34-9 by the Texas Department of Criminal Justice under Section 493.009,
34-10 Government Code, or other court-ordered residential program or
34-11 facility as a condition of deferred adjudication community
34-12 supervision, but only if the defendant successfully completes the
34-13 treatment program in that facility.

34-14 (d) A judge shall credit against any time a defendant is
34-15 subsequently required to serve in a state jail felony facility
34-16 after revocation of community supervision time served after
34-17 sentencing:

34-18 (1) in a state jail felony facility; or

34-19 (2) in a substance abuse felony punishment facility
34-20 operated by the Texas Department of Criminal Justice under Section
34-21 493.009, Government Code, or other court-ordered residential
34-22 program or facility if the defendant successfully completes the
34-23 treatment program in that facility.

34-24 (e) For a defendant who has participated in an educational,
34-25 vocational, treatment, or work program while confined in a state
34-26 jail felony facility, not later than the 30th day before the date on
34-27 which the defendant will have served 80 percent of the defendant's
34-28 sentence, the Texas Department of Criminal Justice shall report to
34-29 the sentencing court the number of days during which the defendant
34-30 diligently participated in any educational, vocational, treatment,
34-31 or work program. The contents of a report submitted under this
34-32 subsection are not subject to challenge by a defendant.

34-33 (f) A judge, based on the report received under Subsection
34-34 (e), may credit against any time a defendant is required to serve in
34-35 a state jail felony facility additional time for each day the
34-36 defendant actually served in the facility while diligently
34-37 participating in an educational, vocational, treatment, or work
34-38 program. A time credit under this subsection may not exceed
34-39 one-fifth of the amount of time the defendant is originally
34-40 required to serve in the facility. A defendant may not be awarded a
34-41 time credit under this subsection for any period during which the
34-42 defendant is subject to disciplinary action. A time credit under
34-43 this subsection is a privilege and not a right. (Code Crim. Proc.,
34-44 Art. 42.12, Sec. 15(h).)

34-45 Art. 42A.560. MEDICAL RELEASE. (a) If a defendant is
34-46 convicted of a state jail felony and the sentence is executed, the
34-47 judge sentencing the defendant may release the defendant to a
34-48 medically suitable placement if the judge determines that the
34-49 defendant does not constitute a threat to public safety and the
34-50 Texas Correctional Office on Offenders with Medical or Mental
34-51 Impairments:

34-52 (1) in coordination with the Correctional Managed
34-53 Health Care Committee, prepares a case summary and medical report
34-54 that identifies the defendant as:

34-55 (A) being a person who is elderly or terminally
34-56 ill or a person with a physical disability;

34-57 (B) being a person with mental illness or an
34-58 intellectual disability; or

34-59 (C) having a condition requiring long-term care;
34-60 and

34-61 (2) in cooperation with the community supervision and
34-62 corrections department serving the sentencing court, prepares for
34-63 the defendant a medically recommended intensive supervision and
34-64 continuity of care plan that:

34-65 (A) ensures appropriate supervision of the
34-66 defendant by the community supervision and corrections department;
34-67 and

34-68 (B) requires the defendant to remain under the
34-69 care of a physician at and reside in a medically suitable placement.

35-1 (b) The Texas Correctional Office on Offenders with Medical
 35-2 or Mental Impairments shall submit to a judge who releases a
 35-3 defendant to an appropriate medical care facility under Subsection
 35-4 (a) a quarterly status report concerning the defendant's medical
 35-5 and treatment status.

35-6 (c) If a defendant released to a medically suitable
 35-7 placement under Subsection (a) violates the terms of that release,
 35-8 the judge may dispose of the matter as provided by Articles 42A.556
 35-9 and 42A.558(a). (Code Crim. Proc., Art. 42.12, Secs. 15(i), as
 35-10 added Acts 80th Leg., R.S., Ch. 1308, (j), as added Acts 80th Leg.,
 35-11 R.S., Ch. 1308, (k).)

35-12 Art. 42A.561. MEDICAL RELEASE. (a) If a defendant is
 35-13 convicted of a state jail felony and the sentence is executed, the
 35-14 judge sentencing the defendant may release the defendant to a
 35-15 medical care facility or medical treatment program if the Texas
 35-16 Correctional Office on Offenders with Medical or Mental
 35-17 Impairments:

35-18 (1) identifies the defendant as:

35-19 (A) being a person who is elderly or terminally
 35-20 ill or a person with a physical disability;

35-21 (B) being a person with mental illness or an
 35-22 intellectual disability; or

35-23 (C) having a condition requiring long-term care;
 35-24 and

35-25 (2) in cooperation with the community supervision and
 35-26 corrections department serving the sentencing court, prepares for
 35-27 the defendant a medically recommended intensive supervision plan
 35-28 that:

35-29 (A) ensures appropriate supervision of the
 35-30 defendant; and

35-31 (B) requires the defendant to remain under the
 35-32 care of a physician at the facility or in the program.

35-33 (b) If a defendant released to a medical care facility or
 35-34 medical treatment program under Subsection (a) violates the terms
 35-35 of that release, the judge may dispose of the matter as provided by
 35-36 Articles 42A.556 and 42A.558(a). (Code Crim. Proc., Art. 42.12,
 35-37 Secs. 15(i), as added Acts 80th Leg., R.S., Ch. 617, (j), as added
 35-38 Acts 80th Leg., R.S., Ch. 617.)

35-39 SUBCHAPTER M. COMMUNITY CORRECTIONS FACILITIES

35-40 Art. 42A.601. DEFINITION. In this subchapter, "community
 35-41 corrections facility" has the meaning assigned by Section 509.001,
 35-42 Government Code. (Code Crim. Proc., Art. 42.12, Sec. 18(a).)

35-43 Art. 42A.602. MAXIMUM TERM OR TERMS OF CONFINEMENT. (a) If
 35-44 a judge requires as a condition of community supervision or
 35-45 participation in a drug court program established under Chapter
 35-46 123, Government Code, or former law that the defendant serve a term
 35-47 of confinement in a community corrections facility, the term may
 35-48 not exceed 24 months.

35-49 (b) A judge who requires as a condition of community
 35-50 supervision that the defendant serve a term of confinement in a
 35-51 community corrections facility may not impose a subsequent term of
 35-52 confinement in a community corrections facility or jail during the
 35-53 same supervision period that, if added to the terms previously
 35-54 imposed, exceeds 36 months. (Code Crim. Proc., Art. 42.12, Secs.
 35-55 18(b), (h).)

35-56 Art. 42A.603. EFFECT OF REVOCATION ON CREDIT FOR TIME SPENT
 35-57 IN FACILITY. A defendant granted community supervision under this
 35-58 chapter and required as a condition of community supervision to
 35-59 serve a term of confinement under this subchapter may not earn good
 35-60 conduct credit for time spent in a community corrections facility
 35-61 or apply time spent in the facility toward completion of a prison
 35-62 sentence if the community supervision is revoked. (Code Crim.
 35-63 Proc., Art. 42.12, Sec. 18(c).)

35-64 Art. 42A.604. EVALUATION OF DEFENDANT'S BEHAVIOR AND
 35-65 ATTITUDE. (a) As directed by the judge, the community corrections
 35-66 facility director shall file with the community supervision and
 35-67 corrections department director or administrator of a drug court
 35-68 program, as applicable, a copy of an evaluation made by the facility
 35-69 director of the defendant's behavior and attitude at the facility.

36-1 The community supervision and corrections department director or
 36-2 program administrator shall examine the evaluation, make written
 36-3 comments on the evaluation that the director or administrator
 36-4 considers relevant, and file the evaluation and comments with the
 36-5 judge who granted community supervision to the defendant or placed
 36-6 the defendant in a drug court program. If the evaluation indicates
 36-7 that the defendant has made significant progress toward compliance
 36-8 with court-ordered conditions of community supervision or
 36-9 objectives of placement in the drug court program, as applicable,
 36-10 the judge may release the defendant from the community corrections
 36-11 facility. A defendant who served a term in the facility as a
 36-12 condition of community supervision shall serve the remainder of the
 36-13 defendant's community supervision under any terms and conditions
 36-14 the court imposes under this chapter.

36-15 (b) Not later than 18 months after the date on which a
 36-16 defendant is granted community supervision under this chapter and
 36-17 required as a condition of community supervision to serve a term of
 36-18 confinement under this subchapter, the community corrections
 36-19 facility director shall file with the community supervision and
 36-20 corrections department director a copy of an evaluation made by the
 36-21 facility director of the defendant's behavior and attitude at the
 36-22 facility. The community supervision and corrections department
 36-23 director shall examine the evaluation, make written comments on the
 36-24 evaluation that the director considers relevant, and file the
 36-25 evaluation and comments with the judge who granted community
 36-26 supervision to the defendant. If the report indicates that the
 36-27 defendant has made significant progress toward court-ordered
 36-28 conditions of community supervision, the judge shall modify the
 36-29 judge's sentence and release the defendant in the same manner as
 36-30 provided by Subsection (a). If the report indicates that the
 36-31 defendant would benefit from continued participation in the
 36-32 community corrections facility program, the judge may order the
 36-33 defendant to remain at the community corrections facility for a
 36-34 period determined by the judge. If the report indicates that the
 36-35 defendant has not made significant progress toward rehabilitation,
 36-36 the judge may revoke community supervision and order the defendant
 36-37 to serve the term of confinement specified in the defendant's
 36-38 sentence. (Code Crim. Proc., Art. 42.12, Secs. 18(d), (e).)

36-39 Art. 42A.605. PLACEMENT IN COMMUNITY SERVICE PROJECT. If
 36-40 ordered by the judge who placed the defendant on community
 36-41 supervision, a community corrections facility director shall
 36-42 attempt to place a defendant as a worker in a community service
 36-43 project of a type described by Article 42A.304. (Code Crim. Proc.,
 36-44 Art. 42.12, Sec. 18(f).)

36-45 Art. 42A.606. CONFINEMENT REQUIRED; EXCEPTIONS. A
 36-46 defendant participating in a program under this subchapter must be
 36-47 confined in the community corrections facility at all times except
 36-48 for time spent:

- 36-49 (1) attending and traveling to and from:
 36-50 (A) an education or rehabilitation program as
 36-51 ordered by the court; or
 36-52 (B) a community service project;
 36-53 (2) away from the facility for purposes described by
 36-54 this subchapter; and
 36-55 (3) traveling to and from work, if applicable. (Code
 36-56 Crim. Proc., Art. 42.12, Sec. 18(g).)

36-57 Art. 42A.607. DISPOSITION OF SALARY. If a defendant who is
 36-58 required as a condition of community supervision to serve a term of
 36-59 confinement under this subchapter is not required by the judge to
 36-60 deliver the defendant's salary to the restitution center director,
 36-61 the employer of the defendant shall deliver the salary to the
 36-62 director. The director shall deposit the salary into a fund to be
 36-63 given to the defendant on release after the director deducts:

- 36-64 (1) the cost to the center for the defendant's food,
 36-65 housing, and supervision;
 36-66 (2) the necessary expense for the defendant's travel
 36-67 to and from work and community service projects, and other
 36-68 incidental expenses of the defendant;
 36-69 (3) support of the defendant's dependents; and

37-1 (4) restitution to the victims of an offense committed
37-2 by the defendant. (Code Crim. Proc., Art. 42.12, Sec. 18(i).)

37-3 SUBCHAPTER N. PAYMENTS; FEES

37-4 Art. 42A.651. PAYMENT AS CONDITION OF COMMUNITY
37-5 SUPERVISION. (a) A judge may not order a defendant to make a
37-6 payment as a term or condition of community supervision, except
37-7 for:

37-8 (1) the payment of fines, court costs, or restitution
37-9 to the victim; or

37-10 (2) a payment ordered as a condition that relates
37-11 personally to the rehabilitation of the defendant or that is
37-12 otherwise expressly authorized by law.

37-13 (b) A defendant's obligation to pay a fine or court cost as
37-14 ordered by a judge is independent of any requirement to pay the fine
37-15 or court cost as a condition of the defendant's community
37-16 supervision. A defendant remains obligated to pay any unpaid fine
37-17 or court cost after the expiration of the defendant's period of
37-18 community supervision. (Code Crim. Proc., Art. 42.12, Secs. 11(b)
37-19 (part), (b-1).)

37-20 Art. 42A.652. MONTHLY FEE. (a) Except as otherwise
37-21 provided by this article, a judge who grants community supervision
37-22 to a defendant shall set a fee of not less than \$25 and not more than
37-23 \$60 to be paid each month during the period of community supervision
37-24 by the defendant to:

37-25 (1) the court of original jurisdiction; or

37-26 (2) the court accepting jurisdiction of the
37-27 defendant's case, if jurisdiction is transferred under Article
37-28 42A.151.

37-29 (b) The judge may make payment of the monthly fee a
37-30 condition of granting or continuing the community supervision. The
37-31 judge may waive or reduce the fee or suspend a monthly payment of
37-32 the fee if the judge determines that payment of the fee would cause
37-33 the defendant a significant financial hardship.

37-34 (c) A court accepting jurisdiction of a defendant's case
37-35 under Article 42A.151 shall enter an order directing the defendant
37-36 to pay the monthly fee to that court instead of to the court of
37-37 original jurisdiction. To the extent of any conflict between an
37-38 order issued under this subsection and an order issued by a court of
37-39 original jurisdiction, the order entered under this subsection
37-40 prevails.

37-41 (d) A judge who receives a defendant for supervision as
37-42 authorized by Section 510.017, Government Code, may require the
37-43 defendant to pay the fee authorized by this article.

37-44 (e) A judge may not require a defendant to pay the fee under
37-45 this article for any month after the period of community
37-46 supervision has been terminated by the judge under Article 42A.701.

37-47 (f) A judge shall deposit any fee received under this
37-48 article in the special fund of the county treasury, to be used for
37-49 the same purposes for which state aid may be used under Chapter 76,
37-50 Government Code. (Code Crim. Proc., Art. 42.12, Secs. 19(a),
37-51 (a-1), (b), (c) (part), (g).)

37-52 Art. 42A.653. ADDITIONAL MONTHLY FEE FOR CERTAIN SEX
37-53 OFFENDERS. (a) A judge who grants community supervision to a
37-54 defendant convicted of an offense under Section 21.08, 21.11,
37-55 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, shall require
37-56 as a condition of community supervision that the defendant pay to
37-57 the defendant's supervision officer a community supervision fee of
37-58 \$5 each month during the period of community supervision.

37-59 (b) A fee imposed under this article is in addition to court
37-60 costs or any other fee imposed on the defendant.

37-61 (c) A community supervision and corrections department
37-62 shall deposit a fee collected under this article to be sent to the
37-63 comptroller as provided by Subchapter B, Chapter 133, Local
37-64 Government Code. The comptroller shall deposit the fee in the
37-65 sexual assault program fund under Section 420.008, Government Code.

37-66 (d) If a community supervision and corrections department
37-67 does not collect a fee imposed under this article, the department is
37-68 not required to file any report required by the comptroller that
37-69 relates to the collection of the fee. (Code Crim. Proc., Art.

38-1 42.12, Secs. 19(e), (f), as amended Acts 78th Leg., R.S., Chs. 209,
38-2 1310.)

38-3 Art. 42A.654. FEES DUE ON CONVICTION. For the purpose of
38-4 determining when fees due on conviction are to be paid to any
38-5 officer, the placement of a defendant on community supervision is
38-6 considered a final disposition of the case, without the necessity
38-7 of waiting for the termination of the period of community
38-8 supervision. (Code Crim. Proc., Art. 42.12, Sec. 19(d).)

38-9 Art. 42A.655. ABILITY TO PAY. The court shall consider the
38-10 defendant's ability to pay in ordering the defendant to make any
38-11 payments under this chapter. (Code Crim. Proc., Art. 42.12, Sec.
38-12 11(b) (part).)

38-13 SUBCHAPTER O. REDUCTION OR TERMINATION OF COMMUNITY SUPERVISION
38-14 PERIOD

38-15 Art. 42A.701. REDUCTION OR TERMINATION OF COMMUNITY
38-16 SUPERVISION PERIOD. (a) At any time after the defendant has
38-17 satisfactorily completed one-third of the original community
38-18 supervision period or two years of community supervision, whichever
38-19 is less, the judge may reduce or terminate the period of community
38-20 supervision.

38-21 (b) On completion of one-half of the original community
38-22 supervision period or two years of community supervision, whichever
38-23 is more, the judge shall review the defendant's record and consider
38-24 whether to reduce or terminate the period of community supervision,
38-25 unless the defendant:

38-26 (1) is delinquent in paying required costs, fines,
38-27 fees, or restitution that the defendant has the ability to pay; or

38-28 (2) has not completed court-ordered counseling or
38-29 treatment.

38-30 (c) Before reducing or terminating a period of community
38-31 supervision or conducting a review under this article, the judge
38-32 shall notify the attorney representing the state and the defendant
38-33 or, if the defendant has an attorney, the defendant's attorney.

38-34 (d) If the judge determines that the defendant has failed to
38-35 satisfactorily fulfill the conditions of community supervision,
38-36 the judge shall advise the defendant in writing of the requirements
38-37 for satisfactorily fulfilling those conditions.

38-38 (e) On the satisfactory fulfillment of the conditions of
38-39 community supervision and the expiration of the period of community
38-40 supervision, the judge by order shall:

38-41 (1) amend or modify the original sentence imposed, if
38-42 necessary, to conform to the community supervision period; and

38-43 (2) discharge the defendant.

38-44 (f) If the judge discharges the defendant under this
38-45 article, the judge may set aside the verdict or permit the defendant
38-46 to withdraw the defendant's plea. A judge acting under this
38-47 subsection shall dismiss the accusation, complaint, information,
38-48 or indictment against the defendant. A defendant who receives a
38-49 discharge and dismissal under this subsection is released from all
38-50 penalties and disabilities resulting from the offense of which the
38-51 defendant has been convicted or to which the defendant has pleaded
38-52 guilty, except that:

38-53 (1) proof of the conviction or plea of guilty shall be
38-54 made known to the judge if the defendant is convicted of any
38-55 subsequent offense; and

38-56 (2) if the defendant is an applicant for or the holder
38-57 of a license under Chapter 42, Human Resources Code, the Department
38-58 of Family and Protective Services may consider the fact that the
38-59 defendant previously has received community supervision under this
38-60 chapter in issuing, renewing, denying, or revoking a license under
38-61 Chapter 42, Human Resources Code.

38-62 (g) This article does not apply to a defendant convicted of:

38-63 (1) an offense under Sections 49.04-49.08, Penal Code;

38-64 (2) an offense the conviction of which requires
38-65 registration as a sex offender under Chapter 62; or

38-66 (3) a felony described by Article 42A.054. (Code
38-67 Crim. Proc., Art. 42.12, Sec. 20.)

38-68 Art. 42A.702. TIME CREDITS FOR COMPLETION OF CERTAIN
38-69 CONDITIONS OF COMMUNITY SUPERVISION. (a) This article applies

39-1 only to a defendant who:

39-2 (1) is granted community supervision, including

39-3 deferred adjudication community supervision, for an offense

39-4 punishable as a state jail felony or a felony of the third degree,

39-5 other than an offense:

39-6 (A) included as a "reportable conviction or

39-7 adjudication" under Article 62.001(5);

39-8 (B) involving family violence as defined by

39-9 Section 71.004, Family Code;

39-10 (C) under Section 20.03 or 28.02, Penal Code; or

39-11 (D) under Chapter 49, Penal Code;

39-12 (2) is not delinquent in paying required costs, fines,

39-13 or fees; and

39-14 (3) has fully satisfied any order to pay restitution

39-15 to a victim.

39-16 (b) A defendant described by Subsection (a) is entitled to

39-17 receive any combination of time credits toward the completion of

39-18 the defendant's period of community supervision in accordance with

39-19 this article if the court ordered the defendant as a condition of

39-20 community supervision to:

39-21 (1) make a payment described by Subsection (c);

39-22 (2) complete a treatment or rehabilitation program

39-23 described by Subsection (d); or

39-24 (3) earn a diploma, certificate, or degree described

39-25 by Subsection (e).

39-26 (c) A defendant is entitled to time credits toward the

39-27 completion of the defendant's period of community supervision for

39-28 the full payment of court costs, fines, attorney's fees, and

39-29 restitution as follows:

39-30 (1) court costs: 15 days;

39-31 (2) fines: 30 days;

39-32 (3) attorney's fees: 30 days; and

39-33 (4) restitution: 60 days.

39-34 (d) A defendant is entitled to time credits toward the

39-35 completion of the defendant's period of community supervision for

39-36 the successful completion of treatment or rehabilitation programs

39-37 as follows:

39-38 (1) parenting class or parental responsibility

39-39 program: 30 days;

39-40 (2) anger management program: 30 days;

39-41 (3) life skills training program: 30 days;

39-42 (4) vocational, technical, or career education or

39-43 training program: 60 days; and

39-44 (5) alcohol or substance abuse counseling or

39-45 treatment: 90 days.

39-46 (e) A defendant is entitled to time credits toward the

39-47 completion of the defendant's period of community supervision for

39-48 earning the following diplomas, certificates, or degrees:

39-49 (1) a high school diploma or high school equivalency

39-50 certificate: 90 days; and

39-51 (2) an associate's degree: 120 days.

39-52 (f) A defendant's supervision officer shall notify the

39-53 court if one or more time credits under this article, cumulated with

39-54 the amount of the original community supervision period the

39-55 defendant has completed, allow or require the court to conduct a

39-56 review of the defendant's community supervision under Article

39-57 42A.701. On receipt of the notice from the supervision officer, the

39-58 court shall conduct the review of the defendant's community

39-59 supervision to determine if the defendant is eligible for a

39-60 reduction or termination of community supervision under Article

39-61 42A.701, taking into account any time credits to which the

39-62 defendant is entitled under this article in determining if the

39-63 defendant has completed, as applicable:

39-64 (1) the lesser of one-third of the original community

39-65 supervision period or two years of community supervision; or

39-66 (2) the greater of one-half of the original community

39-67 supervision period or two years of community supervision.

39-68 (g) A court may order that some or all of the time credits to

39-69 which a defendant is entitled under this article be forfeited if,

40-1 before the expiration of the original period or a reduced period of
 40-2 community supervision, the court:

40-3 (1) after a hearing under Article 42A.751(d), finds
 40-4 that a defendant violated one or more conditions of community
 40-5 supervision; and

40-6 (2) modifies or continues the defendant's period of
 40-7 community supervision under Article 42A.752 or revokes the
 40-8 defendant's community supervision under Article 42A.755. (Code
 40-9 Crim. Proc., Art. 42.12, Sec. 20A.)

40-10 SUBCHAPTER P. REVOCATION AND OTHER SANCTIONS

40-11 Art. 42A.751. VIOLATION OF CONDITIONS OF COMMUNITY
 40-12 SUPERVISION; DETENTION AND HEARING. (a) At any time during the
 40-13 period of community supervision, the judge may issue a warrant for a
 40-14 violation of any condition of community supervision and cause a
 40-15 defendant convicted under Section 43.02, Penal Code, Chapter 481,
 40-16 Health and Safety Code, or Sections 485.031 through 485.035, Health
 40-17 and Safety Code, or placed on deferred adjudication community
 40-18 supervision after being charged with one of those offenses, to be
 40-19 subject to:

40-20 (1) the control measures of Section 81.083, Health and
 40-21 Safety Code; and

40-22 (2) the court-ordered-management provisions of
 40-23 Subchapter G, Chapter 81, Health and Safety Code.

40-24 (b) At any time during the period of community supervision,
 40-25 the judge may issue a warrant for a violation of any condition of
 40-26 community supervision and cause the defendant to be arrested. Any
 40-27 supervision officer, police officer, or other officer with the
 40-28 power of arrest may arrest the defendant with or without a warrant
 40-29 on the order of the judge to be noted on the docket of the court.
 40-30 Subject to Subsection (c), a defendant arrested under this
 40-31 subsection may be detained in the county jail or other appropriate
 40-32 place of confinement until the defendant can be taken before the
 40-33 judge for a determination regarding the alleged violation. The
 40-34 arresting officer shall immediately report the arrest and detention
 40-35 to the judge.

40-36 (c) Without any unnecessary delay, but not later than 48
 40-37 hours after the defendant is arrested, the arresting officer or the
 40-38 person with custody of the defendant shall take the defendant
 40-39 before the judge who ordered the arrest for the alleged violation of
 40-40 a condition of community supervision or, if the judge is
 40-41 unavailable, before a magistrate of the county in which the
 40-42 defendant was arrested. The judge or magistrate shall perform all
 40-43 appropriate duties and may exercise all appropriate powers as
 40-44 provided by Article 15.17 with respect to an arrest for a new
 40-45 offense, except that only the judge who ordered the arrest for the
 40-46 alleged violation may authorize the defendant's release on
 40-47 bail. The defendant may be taken before the judge or magistrate
 40-48 under this subsection by means of an electronic broadcast system as
 40-49 provided by and subject to the requirements of Article 15.17.

40-50 (d) If the defendant has not been released on bail as
 40-51 permitted under Subsection (c), on motion by the defendant, the
 40-52 judge who ordered the arrest for the alleged violation of a
 40-53 condition of community supervision shall cause the defendant to be
 40-54 brought before the judge for a hearing on the alleged violation
 40-55 within 20 days of the date the motion is filed. After a hearing
 40-56 without a jury, the judge may continue, extend, modify, or revoke
 40-57 the community supervision.

40-58 (e) A judge may revoke without a hearing the community
 40-59 supervision of a defendant who is imprisoned in a penal institution
 40-60 if the defendant in writing before a court of record in the
 40-61 jurisdiction where the defendant is imprisoned:

40-62 (1) waives the defendant's right to a hearing and to
 40-63 counsel;

40-64 (2) affirms that the defendant has nothing to say as to
 40-65 why sentence should not be pronounced against the defendant; and

40-66 (3) requests the judge to revoke community supervision
 40-67 and to pronounce sentence.

40-68 (f) In a felony case, the state may amend the motion to
 40-69 revoke community supervision at any time before the seventh day

41-1 before the date of the revocation hearing, after which time the
 41-2 motion may not be amended except for good cause shown. The state
 41-3 may not amend the motion after the commencement of taking evidence
 41-4 at the revocation hearing.

41-5 (g) The judge may continue the revocation hearing for good
 41-6 cause shown by either the defendant or the state.

41-7 (h) The court may not revoke the community supervision of a
 41-8 defendant if, at the revocation hearing, the court finds that the
 41-9 only evidence supporting the alleged violation of a condition of
 41-10 community supervision is the uncorroborated results of a polygraph
 41-11 examination.

41-12 (i) In a revocation hearing at which it is alleged only that
 41-13 the defendant violated the conditions of community supervision by
 41-14 failing to pay compensation paid to appointed counsel, community
 41-15 supervision fees, or court costs, the state must prove by a
 41-16 preponderance of the evidence that the defendant was able to pay and
 41-17 did not pay as ordered by the judge.

41-18 (j) The court may order a community supervision and
 41-19 corrections department to obtain information pertaining to the
 41-20 factors listed under Article 42.037(h) and include that information
 41-21 in the presentence report required under Article 42A.252(a) or a
 41-22 separate report, as the court directs.

41-23 (k) A defendant has a right to counsel at a hearing under
 41-24 this article. The court shall appoint counsel for an indigent
 41-25 defendant in accordance with the procedures adopted under Article
 41-26 26.04.

41-27 (l) A court retains jurisdiction to hold a hearing under
 41-28 Subsection (d) and to revoke, continue, or modify community
 41-29 supervision, regardless of whether the period of community
 41-30 supervision imposed on the defendant has expired, if before the
 41-31 expiration of the supervision period:

41-32 (1) the attorney representing the state files a motion
 41-33 to revoke, continue, or modify community supervision; and

41-34 (2) a *capias* is issued for the arrest of the defendant.
 41-35 (Code Crim. Proc., Art. 42.12, Sec. 21.)

41-36 Art. 42A.752. CONTINUATION OR MODIFICATION OF COMMUNITY
 41-37 SUPERVISION AFTER VIOLATION. (a) If after a hearing under Article
 41-38 42A.751(d) a judge continues or modifies community supervision
 41-39 after determining that the defendant violated a condition of
 41-40 community supervision, the judge may impose any other conditions
 41-41 the judge determines are appropriate, including:

41-42 (1) a requirement that the defendant perform community
 41-43 service for a number of hours specified by the court under Article
 41-44 42A.304, or an increase in the number of hours that the defendant
 41-45 has previously been required to perform under that article in an
 41-46 amount not to exceed double the number of hours permitted by that
 41-47 article;

41-48 (2) an extension of the period of community
 41-49 supervision, in the manner described by Article 42A.753;

41-50 (3) an increase in the defendant's fine, in the manner
 41-51 described by Subsection (b); or

41-52 (4) the placement of the defendant in a substance
 41-53 abuse felony punishment program operated under Section 493.009,
 41-54 Government Code, if:

41-55 (A) the defendant is convicted of a felony other
 41-56 than:

41-57 (i) a felony under Section 21.11, 22.011,
 41-58 or 22.021, Penal Code; or

41-59 (ii) criminal attempt of a felony under
 41-60 Section 21.11, 22.011, or 22.021, Penal Code; and

41-61 (B) the judge makes an affirmative finding that:

41-62 (i) drug or alcohol abuse significantly
 41-63 contributed to the commission of the offense or violation of a
 41-64 condition of community supervision, as applicable; and

41-65 (ii) the defendant is a suitable candidate
 41-66 for treatment, as determined by the suitability criteria
 41-67 established by the Texas Board of Criminal Justice under Section
 41-68 493.009(b), Government Code.

41-69 (b) A judge may impose a sanction on a defendant described

42-1 by Subsection (a)(3) by increasing the fine imposed on the
 42-2 defendant. The original fine imposed on the defendant and an
 42-3 increase in the fine imposed under this subsection may not exceed
 42-4 the maximum fine for the offense for which the defendant was
 42-5 sentenced. The judge shall deposit money received from an increase
 42-6 in the defendant's fine under this subsection in the special fund of
 42-7 the county treasury to be used for the same purposes for which state
 42-8 aid may be used under Chapter 76, Government Code.

42-9 (c) If the judge imposes a sanction under Subsection (a)(4),
 42-10 the judge shall also impose a condition requiring the defendant on
 42-11 successful completion of the program to participate in a drug or
 42-12 alcohol abuse continuum of care treatment plan. (Code Crim. Proc.,
 42-13 Art. 42.12, Secs. 22(a), (b), (d).)

42-14 Art. 42A.753. EXTENSION OF COMMUNITY SUPERVISION AFTER
 42-15 VIOLATION. (a) On a showing of good cause, the judge may extend a
 42-16 period of community supervision under Article 42A.752(a)(2) as
 42-17 frequently as the judge determines is necessary, but the period of
 42-18 community supervision in a first, second, or third degree felony
 42-19 case may not exceed 10 years and, except as otherwise provided by
 42-20 Subsection (b), the period of community supervision in a
 42-21 misdemeanor case may not exceed three years.

42-22 (b) The judge may extend the period of community supervision
 42-23 in a misdemeanor case for any period the judge determines is
 42-24 necessary, not to exceed an additional two years beyond the
 42-25 three-year limit provided by Subsection (a), if:

42-26 (1) the defendant fails to pay a previously assessed
 42-27 fine, cost, or restitution; and

42-28 (2) the judge determines that extending the
 42-29 supervision period increases the likelihood that the defendant will
 42-30 fully pay the fine, cost, or restitution.

42-31 (c) A court may extend a period of community supervision
 42-32 under Article 42A.752(a)(2):

42-33 (1) at any time during the supervision period; or

42-34 (2) before the first anniversary of the date the
 42-35 supervision period ends, if a motion for revocation of community
 42-36 supervision is filed before the date the supervision period ends.
 42-37 (Code Crim. Proc., Art. 42.12, Sec. 22(c).)

42-38 Art. 42A.754. AUTHORITY TO REVOKE COMMUNITY SUPERVISION.
 42-39 Only the court in which the defendant was tried may revoke the
 42-40 defendant's community supervision unless the judge has transferred
 42-41 jurisdiction of the case to another court under Article 42A.151.
 42-42 (Code Crim. Proc., Art. 42.12, Sec. 10(a) (part).)

42-43 Art. 42A.755. REVOCATION OF COMMUNITY SUPERVISION. (a) If
 42-44 community supervision is revoked after a hearing under Article
 42-45 42A.751(d), the judge may:

42-46 (1) proceed to dispose of the case as if there had been
 42-47 no community supervision; or

42-48 (2) if the judge determines that the best interests of
 42-49 society and the defendant would be served by a shorter term of
 42-50 confinement, reduce the term of confinement originally assessed to
 42-51 any term of confinement not less than the minimum prescribed for the
 42-52 offense of which the defendant was convicted.

42-53 (b) The judge shall enter in the judgment in the case the
 42-54 amount of restitution owed by the defendant on the date of
 42-55 revocation.

42-56 (c) Except as otherwise provided by Subsection (d), no part
 42-57 of the period that the defendant is on community supervision may be
 42-58 considered as any part of the term that the defendant is sentenced
 42-59 to serve.

42-60 (d) On revocation, the judge shall credit to the defendant
 42-61 time served as a condition of community supervision in a substance
 42-62 abuse felony punishment facility operated by the Texas Department
 42-63 of Criminal Justice under Section 493.009, Government Code, or
 42-64 other court-ordered residential program or facility, but only if
 42-65 the defendant successfully completes the treatment program in that
 42-66 facility.

42-67 (e) The right of the defendant to appeal for a review of the
 42-68 conviction and punishment, as provided by law, shall be accorded
 42-69 the defendant at the time the defendant is placed on community

43-1 supervision. When the defendant is notified that the defendant's
 43-2 community supervision is revoked for a violation of the conditions
 43-3 of community supervision and the defendant is called on to serve a
 43-4 sentence in a jail or in the Texas Department of Criminal Justice,
 43-5 the defendant may appeal the revocation. (Code Crim. Proc.,
 43-6 Art. 42.12, Sec. 23.)

43-7 Art. 42A.756. DUE DILIGENCE DEFENSE. For the purposes of a
 43-8 hearing under Article 42A.751(d), it is an affirmative defense to
 43-9 revocation for an alleged violation based on a failure to report to
 43-10 a supervision officer as directed or to remain within a specified
 43-11 place that no supervision officer, peace officer, or other officer
 43-12 with the power of arrest under a warrant issued by a judge for that
 43-13 alleged violation contacted or attempted to contact the defendant
 43-14 in person at the defendant's last known residence address or last
 43-15 known employment address, as reflected in the files of the
 43-16 department serving the county in which the order of deferred
 43-17 adjudication community supervision was entered. (Code Crim. Proc.,
 43-18 Art. 42.12, Sec. 24 (part).)

43-19 Art. 42A.757. EXTENSION OF COMMUNITY SUPERVISION FOR
 43-20 CERTAIN SEX OFFENDERS. (a) If a defendant is placed on deferred
 43-21 adjudication community supervision after being convicted of an
 43-22 offense under Section 21.11, 22.011, or 22.021, Penal Code, at any
 43-23 time during the period of community supervision, the judge may
 43-24 extend the period of community supervision as provided by this
 43-25 article.

43-26 (b) At a hearing at which the defendant is provided the same
 43-27 rights as are provided to a defendant at a hearing under Article
 43-28 42A.751(d), the judge may extend the defendant's supervision period
 43-29 for a period not to exceed 10 additional years if the judge
 43-30 determines that:

43-31 (1) the defendant has not sufficiently demonstrated a
 43-32 commitment to avoid future criminal behavior; and

43-33 (2) the release of the defendant from supervision
 43-34 would endanger the public.

43-35 (c) A judge may extend a period of community supervision
 43-36 under this article only once.

43-37 (d) A judge may extend a period of community supervision for
 43-38 a defendant under both Article 42A.752(a)(2) and this article.

43-39 (e) The prohibition in Article 42A.753(a) against a period
 43-40 of community supervision in a felony case exceeding 10 years does
 43-41 not apply to a defendant for whom community supervision is
 43-42 increased under this article or under both Article 42A.752(a)(2)
 43-43 and this article. (Code Crim. Proc., Art. 42.12, Sec. 22A.)

43-44 ARTICLE 2. CONFORMING AMENDMENTS

43-45 SECTION 2.01. Sections 106.06(d) and (e), Alcoholic
 43-46 Beverage Code, are amended to read as follows:

43-47 (d) A judge, acting under Chapter 42A [~~Article 42.12~~], Code
 43-48 of Criminal Procedure, who places a defendant charged with an
 43-49 offense under this section on community supervision under that
 43-50 chapter [~~article~~] shall, if the defendant committed the offense at
 43-51 a gathering where participants were involved in the abuse of
 43-52 alcohol, including binge drinking or forcing or coercing
 43-53 individuals to consume alcohol, in addition to any other condition
 43-54 imposed by the judge:

43-55 (1) require the defendant to:

43-56 (A) perform community service for not less than
 43-57 20 or more than 40 hours; and

43-58 (B) attend an alcohol awareness program approved
 43-59 under Section 106.115; and

43-60 (2) order the Department of Public Safety to suspend
 43-61 the driver's license or permit of the defendant or, if the defendant
 43-62 does not have a driver's license or permit, to deny the issuance of
 43-63 a driver's license or permit to the defendant for 180 days.

43-64 (e) Community service ordered under Subsection (d) is in
 43-65 addition to any community service ordered by the judge under
 43-66 Article 42A.304 [~~Section 16, Article 42.12~~], Code of Criminal
 43-67 Procedure, and must be related to education about or prevention of
 43-68 misuse of alcohol if programs or services providing that education
 43-69 are available in the community in which the court is located. If

44-1 programs or services providing that education are not available,
44-2 the court may order community service that the court considers
44-3 appropriate for rehabilitative purposes.

44-4 SECTION 2.02. Section 142.002(b), Civil Practice and
44-5 Remedies Code, is amended to read as follows:

44-6 (b) This section does not preclude a cause of action for
44-7 negligent hiring or the failure of an employer, general contractor,
44-8 premises owner, or other third party to provide adequate
44-9 supervision of an employee, if:

44-10 (1) the employer, general contractor, premises owner,
44-11 or other third party knew or should have known of the conviction;
44-12 and

44-13 (2) the employee was convicted of:

44-14 (A) an offense that was committed while
44-15 performing duties substantially similar to those reasonably
44-16 expected to be performed in the employment, or under conditions
44-17 substantially similar to those reasonably expected to be
44-18 encountered in the employment, taking into consideration the
44-19 factors listed in Sections 53.022 and 53.023(a), Occupations Code,
44-20 without regard to whether the occupation requires a license;

44-21 (B) an offense listed in Article 42A.054 [~~Section~~
44-22 ~~3g, Article 42.12~~], Code of Criminal Procedure; or

44-23 (C) a sexually violent offense, as defined by
44-24 Article 62.001, Code of Criminal Procedure.

44-25 SECTION 2.03. Section 152.003(c), Civil Practice and
44-26 Remedies Code, is amended to read as follows:

44-27 (c) A criminal case may not be referred to the system if the
44-28 defendant is charged with or convicted of an offense listed in
44-29 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of
44-30 Criminal Procedure, or convicted of an offense, the judgment for
44-31 which contains an affirmative finding under Article 42A.054(c) or
44-32 (d) [~~Section 3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

44-33 SECTION 2.04. Article 5.08, Code of Criminal Procedure, is
44-34 amended to read as follows:

44-35 Art. 5.08. MEDIATION IN FAMILY VIOLENCE CASES.
44-36 Notwithstanding Article 26.13(g) or 42A.301(15) [~~Section~~
44-37 ~~11(a)(16), Article 42.12, of this code~~], in a criminal prosecution
44-38 arising from family violence, as that term is defined by Section
44-39 71.004, Family Code, a court shall not refer or order the victim or
44-40 the defendant involved to mediation, dispute resolution,
44-41 arbitration, or other similar procedures.

44-42 SECTION 2.05. Article 17.091, Code of Criminal Procedure,
44-43 is amended to read as follows:

44-44 Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED.
44-45 Before a judge or magistrate reduces the amount of bail set for a
44-46 defendant charged with an offense listed in Article 42A.054
44-47 [~~Section 3g, Article 42.12~~], an offense described by Article
44-48 62.001(5), or an offense under Section 20A.03, Penal Code, the
44-49 judge or magistrate shall provide:

44-50 (1) to the attorney representing the state, reasonable
44-51 notice of the proposed bail reduction; and

44-52 (2) on request of the attorney representing the state
44-53 or the defendant or the defendant's counsel, an opportunity for a
44-54 hearing concerning the proposed bail reduction.

44-55 SECTION 2.06. Article 26.052(d)(3), Code of Criminal
44-56 Procedure, is amended to read as follows:

44-57 (3) The standards must require that an attorney
44-58 appointed as lead appellate counsel in the direct appeal of a
44-59 capital case:

44-60 (A) be a member of the State Bar of Texas;

44-61 (B) exhibit proficiency and commitment to
44-62 providing quality representation to defendants in death penalty
44-63 cases;

44-64 (C) have not been found by a federal or state
44-65 court to have rendered ineffective assistance of counsel during the
44-66 trial or appeal of any capital case, unless the local selection
44-67 committee determines under Subsection (n) that the conduct
44-68 underlying the finding no longer accurately reflects the attorney's
44-69 ability to provide effective representation;

45-1 (D) have at least five years of criminal law
45-2 experience;

45-3 (E) have authored a significant number of
45-4 appellate briefs, including appellate briefs for homicide cases and
45-5 other cases involving an offense punishable as a capital felony or a
45-6 felony of the first degree or an offense described by Article
45-7 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~];

45-8 (F) have trial or appellate experience in:

45-9 (i) the use of and challenges to mental
45-10 health or forensic expert witnesses; and

45-11 (ii) the use of mitigating evidence at the
45-12 penalty phase of a death penalty trial; and

45-13 (G) have participated in continuing legal
45-14 education courses or other training relating to criminal defense in
45-15 appealing death penalty cases.

45-16 SECTION 2.07. Section 3(d), Article 37.07, Code of Criminal
45-17 Procedure, is amended to read as follows:

45-18 (d) When the judge assesses the punishment, the judge [~~he~~]
45-19 may order a presentence [~~an investigative~~] report as contemplated
45-20 in Subchapter F, Chapter 42A, [Section 9 of Article 42.12 of this
45-21 code] and after considering the report, and after the hearing of the
45-22 evidence hereinabove provided for, the judge [~~he~~] shall forthwith
45-23 announce the judge's [~~his~~] decision in open court as to the
45-24 punishment to be assessed.

45-25 SECTION 2.08. Sections 4(a), (b), and (c), Article 37.07,
45-26 Code of Criminal Procedure, are amended to read as follows:

45-27 (a) In the penalty phase of the trial of a felony case in
45-28 which the punishment is to be assessed by the jury rather than the
45-29 court, if the offense of which the jury has found the defendant
45-30 guilty is an offense under Section 71.02, Penal Code, other than an
45-31 offense punishable as a state jail felony under that section, an
45-32 offense under Section 71.023, Penal Code, or an offense listed in
45-33 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], or if the
45-34 judgment contains an affirmative finding under Article 42A.054(c)
45-35 or (d) [~~Section 3g(a)(2), Article 42.12~~], unless the defendant has
45-36 been convicted of an offense under Section 21.02, Penal Code, an
45-37 offense under Section 22.021, Penal Code, that is punishable under
45-38 Subsection (f) of that section, or a capital felony, the court shall
45-39 charge the jury in writing as follows:

45-40 "Under the law applicable in this case, the defendant, if
45-41 sentenced to a term of imprisonment, may earn time off the period of
45-42 incarceration imposed through the award of good conduct time.
45-43 Prison authorities may award good conduct time to a prisoner who
45-44 exhibits good behavior, diligence in carrying out prison work
45-45 assignments, and attempts at rehabilitation. If a prisoner engages
45-46 in misconduct, prison authorities may also take away all or part of
45-47 any good conduct time earned by the prisoner.

45-48 "It is also possible that the length of time for which the
45-49 defendant will be imprisoned might be reduced by the award of
45-50 parole.

45-51 "Under the law applicable in this case, if the defendant is
45-52 sentenced to a term of imprisonment, the defendant will not become
45-53 eligible for parole until the actual time served equals one-half of
45-54 the sentence imposed or 30 years, whichever is less, without
45-55 consideration of any good conduct time the defendant may earn. If
45-56 the defendant is sentenced to a term of less than four years, the
45-57 defendant must serve at least two years before the defendant is
45-58 eligible for parole. Eligibility for parole does not guarantee
45-59 that parole will be granted.

45-60 "It cannot accurately be predicted how the parole law and
45-61 good conduct time might be applied to this defendant if sentenced to
45-62 a term of imprisonment, because the application of these laws will
45-63 depend on decisions made by prison and parole authorities.

45-64 "You may consider the existence of the parole law and good
45-65 conduct time. However, you are not to consider the extent to which
45-66 good conduct time may be awarded to or forfeited by this particular
45-67 defendant. You are not to consider the manner in which the parole
45-68 law may be applied to this particular defendant."

45-69 (b) In the penalty phase of the trial of a felony case in

46-1 which the punishment is to be assessed by the jury rather than the
 46-2 court, if the offense is punishable as a felony of the first degree,
 46-3 if a prior conviction has been alleged for enhancement of
 46-4 punishment as provided by Section 12.42(b), (c)(1) or (2), or (d),
 46-5 Penal Code, or if the offense is a felony not designated as a
 46-6 capital felony or a felony of the first, second, or third degree and
 46-7 the maximum term of imprisonment that may be imposed for the offense
 46-8 is longer than 60 years, unless the offense of which the jury has
 46-9 found the defendant guilty is an offense that is punishable under
 46-10 Section 21.02(h), Penal Code, or is listed in Article 42A.054(a)
 46-11 [~~Section 3g(a)(1), Article 42.12, of this code~~] or the judgment
 46-12 contains an affirmative finding under Article 42A.054(c) or (d)
 46-13 [~~Section 3g(a)(2), Article 42.12, of this code~~], the court shall
 46-14 charge the jury in writing as follows:

46-15 "Under the law applicable in this case, the defendant, if
 46-16 sentenced to a term of imprisonment, may earn time off the period of
 46-17 incarceration imposed through the award of good conduct time.
 46-18 Prison authorities may award good conduct time to a prisoner who
 46-19 exhibits good behavior, diligence in carrying out prison work
 46-20 assignments, and attempts at rehabilitation. If a prisoner engages
 46-21 in misconduct, prison authorities may also take away all or part of
 46-22 any good conduct time earned by the prisoner.

46-23 "It is also possible that the length of time for which the
 46-24 defendant will be imprisoned might be reduced by the award of
 46-25 parole.

46-26 "Under the law applicable in this case, if the defendant is
 46-27 sentenced to a term of imprisonment, he will not become eligible for
 46-28 parole until the actual time served plus any good conduct time
 46-29 earned equals one-fourth of the sentence imposed or 15 years,
 46-30 whichever is less. Eligibility for parole does not guarantee that
 46-31 parole will be granted.

46-32 "It cannot accurately be predicted how the parole law and
 46-33 good conduct time might be applied to this defendant if he is
 46-34 sentenced to a term of imprisonment, because the application of
 46-35 these laws will depend on decisions made by prison and parole
 46-36 authorities.

46-37 "You may consider the existence of the parole law and good
 46-38 conduct time. However, you are not to consider the extent to which
 46-39 good conduct time may be awarded to or forfeited by this particular
 46-40 defendant. You are not to consider the manner in which the parole
 46-41 law may be applied to this particular defendant."

46-42 (c) In the penalty phase of the trial of a felony case in
 46-43 which the punishment is to be assessed by the jury rather than the
 46-44 court, if the offense is punishable as a felony of the second or
 46-45 third degree, if a prior conviction has been alleged for
 46-46 enhancement as provided by Section 12.42(a), Penal Code, or if the
 46-47 offense is a felony not designated as a capital felony or a felony
 46-48 of the first, second, or third degree and the maximum term of
 46-49 imprisonment that may be imposed for the offense is 60 years or
 46-50 less, unless the offense of which the jury has found the defendant
 46-51 guilty is listed in Article 42A.054(a) [~~Section 3g(a)(1), Article~~
 46-52 ~~42.12, of this code~~] or the judgment contains an affirmative
 46-53 finding under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article~~
 46-54 ~~42.12, of this code~~], the court shall charge the jury in writing as
 46-55 follows:

46-56 "Under the law applicable in this case, the defendant, if
 46-57 sentenced to a term of imprisonment, may earn time off the period of
 46-58 incarceration imposed through the award of good conduct time.
 46-59 Prison authorities may award good conduct time to a prisoner who
 46-60 exhibits good behavior, diligence in carrying out prison work
 46-61 assignments, and attempts at rehabilitation. If a prisoner engages
 46-62 in misconduct, prison authorities may also take away all or part of
 46-63 any good conduct time earned by the prisoner.

46-64 "It is also possible that the length of time for which the
 46-65 defendant will be imprisoned might be reduced by the award of
 46-66 parole.

46-67 "Under the law applicable in this case, if the defendant is
 46-68 sentenced to a term of imprisonment, he will not become eligible for
 46-69 parole until the actual time served plus any good conduct time

47-1 earned equals one-fourth of the sentence imposed. Eligibility for
 47-2 parole does not guarantee that parole will be granted.

47-3 "It cannot accurately be predicted how the parole law and
 47-4 good conduct time might be applied to this defendant if he is
 47-5 sentenced to a term of imprisonment, because the application of
 47-6 these laws will depend on decisions made by prison and parole
 47-7 authorities.

47-8 "You may consider the existence of the parole law and good
 47-9 conduct time. However, you are not to consider the extent to which
 47-10 good conduct time may be awarded to or forfeited by this particular
 47-11 defendant. You are not to consider the manner in which the parole
 47-12 law may be applied to this particular defendant."

47-13 SECTION 2.09. Section 1, Article 38.33, Code of Criminal
 47-14 Procedure, is amended to read as follows:

47-15 Sec. 1. The court shall order that a defendant who is
 47-16 convicted of a felony or a misdemeanor offense that is punishable by
 47-17 confinement in jail have a thumbprint of the defendant's right
 47-18 thumb rolled legibly on the judgment or the docket sheet in the
 47-19 case. The court shall order a defendant who is placed on deferred
 47-20 adjudication community supervision [~~probation~~] under Subchapter C,
 47-21 Chapter 42A [~~Section 5 of Article 42.12, Code of Criminal~~
 47-22 ~~Procedure~~], for an offense described by this section to have a
 47-23 thumbprint of the defendant's right thumb rolled legibly on the
 47-24 order placing the defendant on deferred adjudication community
 47-25 supervision [~~probation~~]. If the defendant does not have a right
 47-26 thumb, the defendant must have a thumbprint of the defendant's left
 47-27 thumb rolled legibly on the judgment, order, or docket sheet. The
 47-28 defendant must have a fingerprint of the defendant's index finger
 47-29 rolled legibly on the judgment, order, or docket sheet if the
 47-30 defendant does not have a right thumb or a left thumb. The
 47-31 judgment, order, or docket sheet must contain a statement that
 47-32 describes from which thumb or finger the print was taken, unless a
 47-33 rolled 10-finger print set was taken. A clerk or bailiff of the
 47-34 court or other person qualified to take fingerprints shall take the
 47-35 thumbprint or fingerprint, either by use of the ink-rolled print
 47-36 method or by use of a live-scanning device that prints the
 47-37 thumbprint or fingerprint image on the judgment, order, or docket
 47-38 sheet.

47-39 SECTION 2.10. Section 1, Article 42.01, Code of Criminal
 47-40 Procedure, is amended to read as follows:

47-41 Sec. 1. A judgment is the written declaration of the court
 47-42 signed by the trial judge and entered of record showing the
 47-43 conviction or acquittal of the defendant. The sentence served
 47-44 shall be based on the information contained in the judgment. The
 47-45 judgment shall reflect:

- 47-46 1. The title and number of the case;
- 47-47 2. That the case was called and the parties appeared,
 47-48 naming the attorney for the state, the defendant, and the attorney
 47-49 for the defendant, or, where a defendant is not represented by
 47-50 counsel, that the defendant knowingly, intelligently, and
 47-51 voluntarily waived the right to representation by counsel;
- 47-52 3. The plea or pleas of the defendant to the offense
 47-53 charged;
- 47-54 4. Whether the case was tried before a jury or a jury
 47-55 was waived;
- 47-56 5. The submission of the evidence, if any;
- 47-57 6. In cases tried before a jury that the jury was
 47-58 charged by the court;
- 47-59 7. The verdict or verdicts of the jury or the finding
 47-60 or findings of the court;
- 47-61 8. In the event of a conviction that the defendant is
 47-62 adjudged guilty of the offense as found by the verdict of the jury
 47-63 or the finding of the court, and that the defendant be punished in
 47-64 accordance with the jury's verdict or the court's finding as to the
 47-65 proper punishment;
- 47-66 9. In the event of conviction where death or any
 47-67 punishment is assessed that the defendant be sentenced to death, a
 47-68 term of confinement or community supervision, or to pay a fine, as
 47-69 the case may be;

48-1 10. In the event of conviction where the imposition of
48-2 sentence is suspended and the defendant is placed on community
48-3 supervision, setting forth the punishment assessed, the length of
48-4 community supervision, and the conditions of community
48-5 supervision;
48-6 11. In the event of acquittal that the defendant be
48-7 discharged;
48-8 12. The county and court in which the case was tried
48-9 and, if there was a change of venue in the case, the name of the
48-10 county in which the prosecution was originated;
48-11 13. The offense or offenses for which the defendant
48-12 was convicted;
48-13 14. The date of the offense or offenses and degree of
48-14 offense for which the defendant was convicted;
48-15 15. The term of sentence;
48-16 16. The date judgment is entered;
48-17 17. The date sentence is imposed;
48-18 18. The date sentence is to commence and any credit for
48-19 time served;
48-20 19. The terms of any order entered pursuant to Article
48-21 42.08 [~~of this code~~] that the defendant's sentence is to run
48-22 cumulatively or concurrently with another sentence or sentences;
48-23 20. The terms of any plea bargain;
48-24 21. Affirmative findings entered pursuant to Article
48-25 42A.054(c) or (d) [~~Subdivision (2) of Subsection (a) of Section 3g~~
48-26 ~~of Article 42.12 of this code~~];
48-27 22. The terms of any fee payment ordered under Article
48-28 42.151 [~~of this code~~];
48-29 23. The defendant's thumbprint taken in accordance
48-30 with Article 38.33 [~~of this code~~];
48-31 24. In the event that the judge orders the defendant to
48-32 repay a reward or part of a reward under Articles 37.073 and 42.152
48-33 [~~of this code~~], a statement of the amount of the payment or payments
48-34 required to be made;
48-35 25. In the event that the court orders restitution to
48-36 be paid to the victim, a statement of the amount of restitution
48-37 ordered and:
48-38 (A) the name and address of a person or agency
48-39 that will accept and forward restitution payments to the victim; or
48-40 (B) if the court specifically elects to have
48-41 payments made directly to the crime victim, the name and permanent
48-42 address of the victim at the time of judgment;
48-43 26. In the event that a presentence investigation is
48-44 required by Subchapter F, Chapter 42A [~~Section 9(a), (b), (h), or~~
48-45 ~~(i), Article 42.12 of this code~~], a statement that the presentence
48-46 investigation was done according to the applicable provision;
48-47 27. In the event of conviction of an offense for which
48-48 registration as a sex offender is required under Chapter 62, a
48-49 statement that the registration requirement of that chapter applies
48-50 to the defendant and a statement of the age of the victim of the
48-51 offense;
48-52 28. The defendant's state identification number
48-53 required by Section 60.052(a)(2), if that number has been assigned
48-54 at the time of the judgment; and
48-55 29. The incident number required by Section
48-56 60.052(a)(4), if that number has been assigned at the time of the
48-57 judgment.

48-58 SECTION 2.11. Article 42.025(b), Code of Criminal
48-59 Procedure, is amended to read as follows:
48-60 (b) A judge may, at a secondary school, receive a plea of
48-61 guilty or nolo contendere from a defendant charged with an offense
48-62 described by Subsection (a) and place the defendant on deferred
48-63 adjudication under Subchapter C, Chapter 42A [~~Section 5, Article~~
48-64 ~~42.12~~], if:
48-65 (1) the judge makes the determination that the
48-66 proceeding would have educational value, as provided by Subsection
48-67 (a)(1);
48-68 (2) the defendant and the school agree to the location
48-69 of the proceeding, as provided by Subsections (a)(2) and (3); and

49-1 (3) appropriate measures are taken in regard to the
49-2 safety of students and the rights of the defendant, as described by
49-3 Subsection (a)(4).

49-4 SECTION 2.12. Section 2(b), Article 42.03, Code of Criminal
49-5 Procedure, is amended to read as follows:

49-6 (b) In all revocations of a suspension of the imposition of
49-7 a sentence the judge shall enter the restitution [~~or reparation~~]
49-8 due and owing on the date of the revocation.

49-9 SECTION 2.13. Articles 42.037(i) and (j), Code of Criminal
49-10 Procedure, are amended to read as follows:

49-11 (i) In addition to any other terms and conditions of
49-12 community supervision [~~probation~~] imposed under Chapter 42A
49-13 [~~Article 42.12~~], the court may require a defendant [~~probationer~~] to
49-14 reimburse the compensation to victims of crime fund created under
49-15 Subchapter B, Chapter 56, for any amounts paid from that fund to or
49-16 on behalf of a victim of the defendant's [~~probationer's~~] offense.
49-17 In this subsection, "victim" has the meaning assigned by Article
49-18 56.32.

49-19 (j) The court may order a community supervision and
49-20 corrections department to obtain information pertaining to the
49-21 factors listed in Subsection (c) [~~of this article~~]. The
49-22 supervision [~~probation~~] officer shall include the information in
49-23 the report required under Article 42A.252(a) [~~Section 9(a), Article~~
49-24 ~~42.12, of this code~~] or a separate report, as the court directs.
49-25 The court shall permit the defendant and the prosecuting attorney
49-26 to read the report.

49-27 SECTION 2.14. Article 42.08(a), Code of Criminal Procedure,
49-28 is amended to read as follows:

49-29 (a) When the same defendant has been convicted in two or
49-30 more cases, judgment and sentence shall be pronounced in each case
49-31 in the same manner as if there had been but one conviction. Except
49-32 as provided by Subsections [~~Sections~~] (b) and (c) [~~of this~~
49-33 ~~article~~], in the discretion of the court, the judgment in the second
49-34 and subsequent convictions may either be that the sentence imposed
49-35 or suspended shall begin when the judgment and the sentence imposed
49-36 or suspended in the preceding conviction has ceased to operate, or
49-37 that the sentence imposed or suspended shall run concurrently with
49-38 the other case or cases, and sentence and execution shall be
49-39 accordingly; provided, however, that the cumulative total of
49-40 suspended sentences in felony cases shall not exceed 10 years, and
49-41 the cumulative total of suspended sentences in misdemeanor cases
49-42 shall not exceed the maximum period of confinement in jail
49-43 applicable to the misdemeanor offenses, though in no event more
49-44 than three years, including extensions of periods of community
49-45 supervision under Article 42A.752(a)(2) [~~Section 22, Article~~
49-46 ~~42.12, of this code~~], if none of the offenses are offenses under
49-47 Chapter 49, Penal Code, or four years, including extensions, if any
49-48 of the offenses are offenses under Chapter 49, Penal Code.

49-49 SECTION 2.15. Section 7, Article 42.09, Code of Criminal
49-50 Procedure, is amended to read as follows:

49-51 Sec. 7. If a defendant is sentenced to a term of
49-52 imprisonment in the Texas Department of Criminal Justice but is not
49-53 transferred to the department under Section 3 or 4, the court,
49-54 before the date on which it would lose jurisdiction under Article
49-55 42A.202(a) [~~Section 6(a), Article 42.12~~], shall send to the
49-56 department a document containing a statement of the date on which
49-57 the defendant's sentence was pronounced and credits earned by the
49-58 defendant under Article 42.03 as of the date of the statement.

49-59 SECTION 2.16. Section 8(a), Article 42.09, Code of Criminal
49-60 Procedure, is amended to read as follows:

49-61 (a) A county that transfers a defendant to the Texas
49-62 Department of Criminal Justice under this article shall deliver to
49-63 an officer designated by the department:

49-64 (1) a copy of the judgment entered pursuant to Article
49-65 42.01, completed on a standardized felony judgment form described
49-66 by Section 4 of that article;

49-67 (2) a copy of any order revoking community supervision
49-68 and imposing sentence pursuant to Article 42A.755 [~~Section 23,~~
49-69 ~~Article 42.12~~], including:

50-1 (A) any amounts owed for restitution, fines, and
50-2 court costs, completed on a standardized felony judgment form
50-3 described by Section 4, Article 42.01; and
50-4 (B) a copy of the client supervision plan
50-5 prepared for the defendant by the community supervision and
50-6 corrections department supervising the defendant, if such a plan
50-7 was prepared;
50-8 (3) a written report that states the nature and the
50-9 seriousness of each offense and that states the citation to the
50-10 provision or provisions of the Penal Code or other law under which
50-11 the defendant was convicted;
50-12 (4) a copy of the victim impact statement, if one has
50-13 been prepared in the case under Article 56.03;
50-14 (5) a statement as to whether there was a change in
50-15 venue in the case and, if so, the names of the county prosecuting
50-16 the offense and the county in which the case was tried;
50-17 (6) if requested, information regarding the criminal
50-18 history of the defendant, including the defendant's state
50-19 identification number if the number has been issued;
50-20 (7) a copy of the indictment or information for each
50-21 offense;
50-22 (8) a checklist sent by the department to the county
50-23 and completed by the county in a manner indicating that the
50-24 documents required by this subsection and Subsection (c) accompany
50-25 the defendant;
50-26 (9) if prepared, a copy of a presentence or
50-27 postsentence [~~investigation~~] report prepared under Subchapter F,
50-28 Chapter 42A [~~Section 9, Article 42.12~~];
50-29 (10) a copy of any detainer, issued by an agency of the
50-30 federal government, that is in the possession of the county and that
50-31 has been placed on the defendant;
50-32 (11) if prepared, a copy of the defendant's Texas
50-33 Uniform Health Status Update Form; and
50-34 (12) a written description of a hold or warrant,
50-35 issued by any other jurisdiction, that the county is aware of and
50-36 that has been placed on or issued for the defendant.
50-37 SECTION 2.17. Article 42.14(b), Code of Criminal Procedure,
50-38 is amended to read as follows:
50-39 (b) In a felony case, the judgment and sentence may be
50-40 rendered in the absence of the defendant only if:
50-41 (1) the defendant is confined in a penal institution;
50-42 (2) the defendant is not charged with a felony
50-43 offense:
50-44 (A) that is listed in Article 42A.054(a) [~~Section~~
50-45 ~~3g(a)(1), Article 42.12~~]; or
50-46 (B) for which it is alleged that:
50-47 (i) a deadly weapon was used or exhibited
50-48 during the commission of the offense or during immediate flight
50-49 from the commission of the offense; and
50-50 (ii) the defendant used or exhibited the
50-51 deadly weapon or was a party to the offense and knew that a deadly
50-52 weapon would be used or exhibited;
50-53 (3) the defendant in writing before the appropriate
50-54 court having jurisdiction in the county in which the penal
50-55 institution is located:
50-56 (A) waives the right to be present at the
50-57 rendering of the judgment and sentence or to have counsel present;
50-58 (B) affirms that the defendant does not have
50-59 anything to say as to why the sentence should not be pronounced and
50-60 that there is no reason to prevent the sentence under Article 42.07;
50-61 (C) states that the defendant has entered into a
50-62 written plea agreement with the attorney representing the state in
50-63 the prosecution of the case; and
50-64 (D) requests the court to pronounce sentence in
50-65 the case in accordance with the plea agreement;
50-66 (4) the defendant and the attorney representing the
50-67 state in the prosecution of the case have entered into a written
50-68 plea agreement that is made a part of the record in the case; and
50-69 (5) sentence is pronounced in accordance with the plea

51-1 agreement.

51-2 SECTION 2.18. Article 44.01(j), Code of Criminal Procedure,
51-3 is amended to read as follows:

51-4 (j) Nothing in this article is to interfere with the
51-5 defendant's right to appeal under the procedures of Article 44.02
51-6 [~~of this code~~]. The defendant's right to appeal under Article 44.02
51-7 may be prosecuted by the defendant where the punishment assessed is
51-8 in accordance with Subchapter C, Chapter 42A [~~Subsection (a),~~
51-9 ~~Section 3d, Article 42.12 of this code~~], as well as any other
51-10 punishment assessed in compliance with Article 44.02 [~~of this~~
51-11 ~~code~~].

51-12 SECTION 2.19. Article 44.04(b), Code of Criminal Procedure,
51-13 is amended to read as follows:

51-14 (b) The defendant may not be released on bail pending the
51-15 appeal from any felony conviction where the punishment equals or
51-16 exceeds 10 years confinement or where the defendant has been
51-17 convicted of an offense listed under Article 42A.054(a) [~~Section~~
51-18 ~~3g(a)(1), Article 42.12~~], but shall immediately be placed in
51-19 custody and the bail discharged.

51-20 SECTION 2.20. Articles 46B.073(c) and (d), Code of Criminal
51-21 Procedure, as amended by S.B. No. 219, Acts of the 84th
51-22 Legislature, Regular Session, 2015, are amended to read as follows:

51-23 (c) If the defendant is charged with an offense listed in
51-24 Article 17.032(a), other than an offense listed in Article
51-25 17.032(a)(6), or the indictment alleges an affirmative finding
51-26 under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article 42.12~~],
51-27 the court shall enter an order committing the defendant to the
51-28 maximum security unit of any facility designated by the Department
51-29 of State Health Services, to an agency of the United States
51-30 operating a mental hospital, or to a Department of Veterans Affairs
51-31 hospital.

51-32 (d) If the defendant is not charged with an offense
51-33 described by Subsection (c) and the indictment does not allege an
51-34 affirmative finding under Article 42A.054(c) or (d) [~~Section~~
51-35 ~~3g(a)(2), Article 42.12~~], the court shall enter an order committing
51-36 the defendant to a mental health facility or residential care
51-37 facility determined to be appropriate by the local mental health
51-38 authority or local intellectual and developmental disability
51-39 authority.

51-40 SECTION 2.21. Article 46B.104, Code of Criminal Procedure,
51-41 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular
51-42 Session, 2015, is amended to read as follows:

51-43 Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF
51-44 VIOLENCE. A defendant committed to a facility as a result of
51-45 proceedings initiated under this chapter shall be committed to the
51-46 maximum security unit of any facility designated by the Department
51-47 of State Health Services if:

51-48 (1) the defendant is charged with an offense listed in
51-49 Article 17.032(a), other than an offense listed in Article
51-50 17.032(a)(6); or

51-51 (2) the indictment charging the offense alleges an
51-52 affirmative finding under Article 42A.054(c) or (d) [~~Section~~
51-53 ~~3g(a)(2), Article 42.12~~].

51-54 SECTION 2.22. Article 48.01(b), Code of Criminal Procedure,
51-55 is amended to read as follows:

51-56 (b) The Board of Pardons and Paroles may recommend that the
51-57 Governor grant a pardon to a person who:

51-58 (1) is placed on deferred adjudication community
51-59 supervision under Subchapter C, Chapter 42A [~~Section 5, Article~~
51-60 ~~42.12~~], and subsequently receives a discharge and dismissal under
51-61 Article 42A.111 [~~Section 5(c) of that article~~]; and

51-62 (2) on or after the 10th anniversary of the date of
51-63 discharge and dismissal, submits a written request to the board for
51-64 a recommendation under this subsection.

51-65 SECTION 2.23. Articles 55.01(a) and (a-1), Code of Criminal
51-66 Procedure, are amended to read as follows:

51-67 (a) A person who has been placed under a custodial or
51-68 noncustodial arrest for commission of either a felony or
51-69 misdemeanor is entitled to have all records and files relating to

52-1 the arrest expunged if:

52-2 (1) the person is tried for the offense for which the
52-3 person was arrested and is:

52-4 (A) acquitted by the trial court, except as
52-5 provided by Subsection (c); or

52-6 (B) convicted and subsequently:

52-7 (i) pardoned for a reason other than that
52-8 described by Subparagraph (ii); or

52-9 (ii) pardoned or otherwise granted relief
52-10 on the basis of actual innocence with respect to that offense, if
52-11 the applicable pardon or court order clearly indicates on its face
52-12 that the pardon or order was granted or rendered on the basis of the
52-13 person's actual innocence; or

52-14 (2) the person has been released and the charge, if
52-15 any, has not resulted in a final conviction and is no longer pending
52-16 and there was no court-ordered community supervision under Chapter
52-17 42A [~~Article 42.12~~] for the offense, unless the offense is a Class C
52-18 misdemeanor, provided that:

52-19 (A) regardless of whether any statute of
52-20 limitations exists for the offense and whether any limitations
52-21 period for the offense has expired, an indictment or information
52-22 charging the person with the commission of a misdemeanor offense
52-23 based on the person's arrest or charging the person with the
52-24 commission of any felony offense arising out of the same
52-25 transaction for which the person was arrested:

52-26 (i) has not been presented against the
52-27 person at any time following the arrest, and:

52-28 (a) at least 180 days have elapsed
52-29 from the date of arrest if the arrest for which the expunction was
52-30 sought was for an offense punishable as a Class C misdemeanor and if
52-31 there was no felony charge arising out of the same transaction for
52-32 which the person was arrested;

52-33 (b) at least one year has elapsed from
52-34 the date of arrest if the arrest for which the expunction was sought
52-35 was for an offense punishable as a Class B or A misdemeanor and if
52-36 there was no felony charge arising out of the same transaction for
52-37 which the person was arrested;

52-38 (c) at least three years have elapsed
52-39 from the date of arrest if the arrest for which the expunction was
52-40 sought was for an offense punishable as a felony or if there was a
52-41 felony charge arising out of the same transaction for which the
52-42 person was arrested; or

52-43 (d) the attorney representing the
52-44 state certifies that the applicable arrest records and files are
52-45 not needed for use in any criminal investigation or prosecution,
52-46 including an investigation or prosecution of another person; or

52-47 (ii) if presented at any time following the
52-48 arrest, was dismissed or quashed, and the court finds that the
52-49 indictment or information was dismissed or quashed because the
52-50 person completed a pretrial intervention program authorized under
52-51 Section 76.011, Government Code, because the presentment had been
52-52 made because of mistake, false information, or other similar reason
52-53 indicating absence of probable cause at the time of the dismissal to
52-54 believe the person committed the offense, or because the indictment
52-55 or information was void; or

52-56 (B) prosecution of the person for the offense for
52-57 which the person was arrested is no longer possible because the
52-58 limitations period has expired.

52-59 (a-1) Notwithstanding any other provision of this article,
52-60 a person may not expunge records and files relating to an arrest
52-61 that occurs pursuant to a warrant issued under Article 42A.751(b)
52-62 [~~Section 21, Article 42.12~~].

52-63 SECTION 2.24. Article 60.052(c), Code of Criminal
52-64 Procedure, is amended to read as follows:

52-65 (c) Information in the corrections tracking system relating
52-66 to the handling of offenders must include the following information
52-67 about each imprisonment, confinement, or execution of an offender:

52-68 (1) the date of the imprisonment or confinement;

52-69 (2) if the offender was sentenced to death:

53-1 (A) the date of execution; and
53-2 (B) if the death sentence was commuted, the
53-3 sentence to which the sentence of death was commuted and the date of
53-4 commutation;
53-5 (3) the date the offender was released from
53-6 imprisonment or confinement and whether the release was a discharge
53-7 or a release on parole or mandatory supervision;
53-8 (4) if the offender is released on parole or mandatory
53-9 supervision:
53-10 (A) the offense for which the offender was
53-11 convicted by offense code and incident number;
53-12 (B) the date the offender was received by an
53-13 office of the parole division;
53-14 (C) the county in which the offender resides
53-15 while under supervision;
53-16 (D) any program in which an offender is placed or
53-17 has previously been placed and the level of supervision the
53-18 offender is placed on while under the jurisdiction of the parole
53-19 division;
53-20 (E) the date a program described by Paragraph (D)
53-21 begins, the date the program ends, and whether the program was
53-22 completed successfully;
53-23 (F) the date a level of supervision described by
53-24 Paragraph (D) begins and the date the level of supervision ends;
53-25 (G) if the offender's release status is revoked,
53-26 the reason for the revocation and the date of revocation;
53-27 (H) the expiration date of the sentence; and
53-28 (I) the date of the offender's release from the
53-29 parole division or the date on which the offender is granted
53-30 clemency; and
53-31 (5) if the offender is released under Article
53-32 42A.202(b) [~~Section 6(a), Article 42.12~~], the date of the
53-33 offender's release.
53-34 SECTION 2.25. Article 60.08(e), Code of Criminal Procedure,
53-35 is amended to read as follows:
53-36 (e) A court that orders the release of an offender under
53-37 Article 42A.202(b) [~~Section 6(a), Article 42.12~~] at a time when
53-38 the offender is under a bench warrant and not physically imprisoned
53-39 in the Texas Department of Criminal Justice shall report the
53-40 release to the department not later than the seventh day after the
53-41 date of the release.
53-42 SECTION 2.26. Article 62.063(b), Code of Criminal
53-43 Procedure, is amended to read as follows:
53-44 (b) A person subject to registration under this chapter
53-45 because of a reportable conviction or adjudication for which an
53-46 affirmative finding is entered under Article 42.015(b) or
53-47 42A.105(a) [~~Section 5(e)(2), Article 42.12~~], as appropriate, may
53-48 not, for compensation:
53-49 (1) operate or offer to operate a bus;
53-50 (2) provide or offer to provide a passenger taxicab or
53-51 limousine transportation service;
53-52 (3) provide or offer to provide any type of service in
53-53 the residence of another person unless the provision of service
53-54 will be supervised; or
53-55 (4) operate or offer to operate any amusement ride.
53-56 SECTION 2.27. Articles 62.301(b) and (c), Code of Criminal
53-57 Procedure, are amended to read as follows:
53-58 (b) A person is eligible to petition the court as described
53-59 by Subsection (a) if:
53-60 (1) the person is required to register only as a result
53-61 of a single reportable conviction or adjudication, other than an
53-62 adjudication of delinquent conduct; and
53-63 (2) the court has entered in the appropriate judgment
53-64 or has filed with the appropriate papers a statement of an
53-65 affirmative finding described by Article 42.017 or 42A.105(c)
53-66 [~~Section 5(g), Article 42.12~~].
53-67 (c) A defendant who before September 1, 2011, is convicted
53-68 of or placed on deferred adjudication community supervision for an
53-69 offense under Section 21.11 or 22.011, Penal Code, is eligible to

54-1 petition the court as described by Subsection (a). The court may
 54-2 consider the petition only if the petition states and the court
 54-3 finds that the defendant would have been entitled to the entry of an
 54-4 affirmative finding under Article 42.017 or 42A.105(c) [~~Section~~
 54-5 ~~5(g), Article 42.12~~], as appropriate, had the conviction or
 54-6 placement on deferred adjudication community supervision occurred
 54-7 after September 1, 2011.

54-8 SECTION 2.28. Article 102.018(b), Code of Criminal
 54-9 Procedure, is amended to read as follows:

54-10 (b) Except as provided by Subsection (d) [~~of this article~~],
 54-11 on conviction of an offense relating to the driving or operating of
 54-12 a motor vehicle punishable under Section 49.04(b), Penal Code, the
 54-13 court shall impose as a cost of court on the defendant an amount
 54-14 that is equal to the cost of an evaluation of the defendant
 54-15 performed under Article 42A.402(a) [~~Section 13(a), Article 42.12,~~
 54-16 ~~of this code~~]. Costs imposed under this subsection are in addition
 54-17 to other court costs and are due whether or not the defendant is
 54-18 granted community supervision [~~probation~~] in the case, except that
 54-19 if the court determines that the defendant is indigent and unable to
 54-20 pay the cost, the court may waive the imposition of the cost.

54-21 SECTION 2.29. Article 102.020(a), Code of Criminal
 54-22 Procedure, is amended to read as follows:

54-23 (a) A person shall pay as a cost of court:
 54-24 (1) \$250 on conviction of an offense listed in Section
 54-25 411.1471(a)(1), Government Code;
 54-26 (2) \$50 on conviction of an offense listed in Section
 54-27 411.1471(a)(3) of that code; or
 54-28 (3) \$34 on placement of the person on community
 54-29 supervision, including deferred adjudication community
 54-30 supervision, if the person is required to submit a DNA sample under
 54-31 Article 42A.352 [~~Section 11(j), Article 42.12~~].

54-32 SECTION 2.30. Section 37.152(f), Education Code, is amended
 54-33 to read as follows:

54-34 (f) Except if an offense causes the death of a student, in
 54-35 sentencing a person convicted of an offense under this section, the
 54-36 court may require the person to perform community service, subject
 54-37 to the same conditions imposed on a person placed on community
 54-38 supervision under Chapter 42A [~~Section 11, Article 42.12~~], Code of
 54-39 Criminal Procedure, for an appropriate period of time in lieu of
 54-40 confinement in county jail or in lieu of a part of the time the
 54-41 person is sentenced to confinement in county jail.

54-42 SECTION 2.31. Section 53.045(a), Family Code, is amended to
 54-43 read as follows:

54-44 (a) Except as provided by Subsection (e), the prosecuting
 54-45 attorney may refer the petition to the grand jury of the county in
 54-46 which the court in which the petition is filed presides if the
 54-47 petition alleges that the child engaged in delinquent conduct that
 54-48 constitutes habitual felony conduct as described by Section 51.031
 54-49 or that included the violation of any of the following provisions:

- 54-50 (1) Section 19.02, Penal Code (murder);
- 54-51 (2) Section 19.03, Penal Code (capital murder);
- 54-52 (3) Section 19.04, Penal Code (manslaughter);
- 54-53 (4) Section 20.04, Penal Code (aggravated
 54-54 kidnapping);
- 54-55 (5) Section 22.011, Penal Code (sexual assault) or
 54-56 Section 22.021, Penal Code (aggravated sexual assault);
- 54-57 (6) Section 22.02, Penal Code (aggravated assault);
- 54-58 (7) Section 29.03, Penal Code (aggravated robbery);
- 54-59 (8) Section 22.04, Penal Code (injury to a child,
 54-60 elderly individual, or disabled individual), if the offense is
 54-61 punishable as a felony, other than a state jail felony;
- 54-62 (9) Section 22.05(b), Penal Code (felony deadly
 54-63 conduct involving discharging a firearm);
- 54-64 (10) Subchapter D, Chapter 481, Health and Safety
 54-65 Code, if the conduct constitutes a felony of the first degree or an
 54-66 aggravated controlled substance felony (certain offenses involving
 54-67 controlled substances);
- 54-68 (11) Section 15.03, Penal Code (criminal
 54-69 solicitation);

55-1 (12) Section 21.11(a)(1), Penal Code (indecenty with a
55-2 child);

55-3 (13) Section 15.031, Penal Code (criminal
55-4 solicitation of a minor);

55-5 (14) Section 15.01, Penal Code (criminal attempt), if
55-6 the offense attempted was an offense under Section 19.02, Penal
55-7 Code (murder), or Section 19.03, Penal Code (capital murder), or an
55-8 offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~
55-9 ~~42.12~~], Code of Criminal Procedure;

55-10 (15) Section 28.02, Penal Code (arson), if bodily
55-11 injury or death is suffered by any person by reason of the
55-12 commission of the conduct;

55-13 (16) Section 49.08, Penal Code (intoxication
55-14 manslaughter); or

55-15 (17) Section 15.02, Penal Code (criminal conspiracy),
55-16 if the offense made the subject of the criminal conspiracy includes
55-17 a violation of any of the provisions referenced in Subdivisions (1)
55-18 through (16).

55-19 SECTION 2.32. Section 54.0409(a), Family Code, is amended
55-20 to read as follows:

55-21 (a) This section applies only to conduct constituting the
55-22 commission of a felony:

55-23 (1) that is listed in Article 42A.054(a) [~~Section~~
55-24 ~~3g(a)(1), Article 42.12~~], Code of Criminal Procedure; or

55-25 (2) for which it is shown that a deadly weapon, as
55-26 defined by Section 1.07, Penal Code, was used or exhibited during
55-27 the commission of the conduct or during immediate flight from the
55-28 commission of the conduct.

55-29 SECTION 2.33. Sections 54.051(e), (e-1), (e-2), and (e-3),
55-30 Family Code, are amended to read as follows:

55-31 (e) A district court that exercises jurisdiction over a
55-32 person transferred under Subsection (d) shall place the person on
55-33 community supervision under Chapter 42A [~~Article 42.12~~], Code of
55-34 Criminal Procedure, for the remainder of the person's probationary
55-35 period and under conditions consistent with those ordered by the
55-36 juvenile court.

55-37 (e-1) The restrictions on a judge placing a defendant on
55-38 community supervision imposed by Article 42A.054 [~~Section 3g,~~
55-39 ~~Article 42.12~~], Code of Criminal Procedure, do not apply to a case
55-40 transferred from the juvenile court. The minimum period of
55-41 community supervision imposed by Article 42A.053(d) [~~Section 3(b),~~
55-42 ~~Article 42.12~~], Code of Criminal Procedure, does not apply to a case
55-43 transferred from the juvenile court.

55-44 (e-2) If a person who is placed on community supervision
55-45 under this section violates a condition of that supervision or if
55-46 the person violated a condition of probation ordered under Section
55-47 54.04(q) and that probation violation was not discovered by the
55-48 state before the person's 19th birthday, the district court shall
55-49 dispose of the violation of community supervision or probation, as
55-50 appropriate, in the same manner as if the court had originally
55-51 exercised jurisdiction over the case. If the judge revokes
55-52 community supervision, the judge may reduce the prison sentence to
55-53 any length without regard to the minimum term imposed by Article
55-54 42A.755(a) [~~Section 23(a), Article 42.12~~], Code of Criminal
55-55 Procedure.

55-56 (e-3) The time that a person serves on probation ordered
55-57 under Section 54.04(q) is the same as time served on community
55-58 supervision ordered under this section for purposes of determining
55-59 the person's eligibility for early discharge from community
55-60 supervision under Article 42A.701 [~~Section 20, Article 42.12~~], Code
55-61 of Criminal Procedure.

55-62 SECTION 2.34. Section 55.45(c), Family Code, is amended to
55-63 read as follows:

55-64 (c) If the referred child, as described in Subsection (b),
55-65 is alleged to have committed an offense listed in Article 42A.054
55-66 [~~Section 3g, Article 42.12~~], Code of Criminal Procedure, the
55-67 administrator of the residential care facility shall apply, in
55-68 writing, by certified mail, return receipt requested, to the
55-69 juvenile court that ordered commitment of the child or that

56-1 referred the case to a court that ordered commitment of the child
 56-2 and show good cause for any release of the child from the facility
 56-3 for more than 48 hours. Notice of this request must be provided to
 56-4 the prosecuting attorney responsible for the case. The prosecuting
 56-5 attorney, the juvenile, or the administrator may apply for a
 56-6 hearing on this application. If no one applies for a hearing, the
 56-7 trial court shall resolve the application on the written
 56-8 submission. The rules of evidence do not apply to this hearing. An
 56-9 appeal of the trial court's ruling on the application is not
 56-10 allowed. The release of a child described in this subsection
 56-11 without the express approval of the trial court is punishable by
 56-12 contempt.

56-13 SECTION 2.35. Section 76.001(2), Government Code, is
 56-14 amended to read as follows:

56-15 (2) "Community supervision" has the meaning assigned
 56-16 by Article 42A.001 [~~Section 2, Article 42.12~~], Code of Criminal
 56-17 Procedure.

56-18 SECTION 2.36. Section 76.015(c), Government Code, is
 56-19 amended to read as follows:

56-20 (c) A department may assess a reasonable administrative fee
 56-21 of not less than \$25 and not more than \$60 per month on an individual
 56-22 who participates in a program operated by the department or
 56-23 receives services from the department and who is not paying a
 56-24 monthly fee under Article 42A.652 [~~Section 19, Article 42.12~~], Code
 56-25 of Criminal Procedure.

56-26 SECTION 2.37. Section 103.021, Government Code, is amended
 56-27 to read as follows:

56-28 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
 56-29 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
 56-30 or a party to a civil suit, as applicable, shall pay the following
 56-31 fees and costs under the Code of Criminal Procedure if ordered by
 56-32 the court or otherwise required:

56-33 (1) a personal bond fee (Art. 17.42, Code of Criminal
 56-34 Procedure) . . . the greater of \$20 or three percent of the amount
 56-35 of the bail fixed for the accused;

56-36 (2) cost of electronic monitoring as a condition of
 56-37 release on personal bond (Art. 17.43, Code of Criminal Procedure)
 56-38 . . . actual cost;

56-39 (3) a fee for verification of and monitoring of motor
 56-40 vehicle ignition interlock (Art. 17.441, Code of Criminal
 56-41 Procedure) . . . not to exceed \$10;

56-42 (3-a) costs associated with operating a global
 56-43 positioning monitoring system as a condition of release on bond
 56-44 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
 56-45 subject to a determination of indigency;

56-46 (3-b) costs associated with providing a defendant's
 56-47 victim with an electronic receptor device as a condition of the
 56-48 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
 56-49 Procedure) . . . actual costs, subject to a determination of
 56-50 indigency;

56-51 (4) repayment of reward paid by a crime stoppers
 56-52 organization on conviction of a felony (Art. 37.073, Code of
 56-53 Criminal Procedure) . . . amount ordered;

56-54 (5) reimbursement to general revenue fund for payments
 56-55 made to victim of an offense as condition of community supervision
 56-56 (Chapter 42A [~~Art. 42.12~~], Code of Criminal Procedure) . . . not to
 56-57 exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

56-58 (6) payment to a crime stoppers organization as
 56-59 condition of community supervision (Chapter 42A [~~Art. 42.12~~], Code
 56-60 of Criminal Procedure) . . . not to exceed \$50;

56-61 (7) children's advocacy center fee (Chapter 42A [~~Art.~~
 56-62 ~~42.12~~], Code of Criminal Procedure) . . . not to exceed \$50;

56-63 (8) family violence center fee (Chapter 42A [~~Art.~~
 56-64 ~~42.12~~], Code of Criminal Procedure) . . . \$100;

56-65 (9) community supervision fee (Chapter 42A [~~Art.~~
 56-66 ~~42.12~~], Code of Criminal Procedure) . . . not less than \$25 or more
 56-67 than \$60 per month;

56-68 (10) additional community supervision fee for certain
 56-69 offenses (Chapter 42A [~~Art. 42.12~~], Code of Criminal Procedure)

57-1 . . . \$5 per month;

57-2 (11) for certain financially able sex offenders as a

57-3 condition of community supervision, the costs of treatment,

57-4 specialized supervision, or rehabilitation (Chapter 42A [Art.

57-5 42.12], Code of Criminal Procedure) . . . all or part of the

57-6 reasonable and necessary costs of the treatment, supervision, or

57-7 rehabilitation as determined by the judge;

57-8 (12) fee for failure to appear for trial in a justice

57-9 or municipal court if a jury trial is not waived (Art. 45.026, Code

57-10 of Criminal Procedure) . . . costs incurred for impaneling the

57-11 jury;

57-12 (13) costs of certain testing, assessments, or

57-13 programs during a deferral period (Art. 45.051, Code of Criminal

57-14 Procedure) . . . amount ordered;

57-15 (14) special expense on dismissal of certain

57-16 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)

57-17 . . . not to exceed amount of fine assessed;

57-18 (15) an additional fee:

57-19 (A) for a copy of the defendant's driving record

57-20 to be requested from the Department of Public Safety by the judge

57-21 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal

57-22 to the sum of the fee established by Section 521.048,

57-23 Transportation Code, and the state electronic Internet portal fee;

57-24 (B) as an administrative fee for requesting a

57-25 driving safety course or a course under the motorcycle operator

57-26 training and safety program for certain traffic offenses to cover

57-27 the cost of administering the article (Art. 45.0511(f)(1), Code of

57-28 Criminal Procedure) . . . not to exceed \$10; or

57-29 (C) for requesting a driving safety course or a

57-30 course under the motorcycle operator training and safety program

57-31 before the final disposition of the case (Art. 45.0511(f)(2), Code

57-32 of Criminal Procedure) . . . not to exceed the maximum amount of the

57-33 fine for the offense committed by the defendant;

57-34 (16) a request fee for teen court program (Art.

57-35 45.052, Code of Criminal Procedure) . . . \$20, if the court

57-36 ordering the fee is located in the Texas-Louisiana border region,

57-37 but otherwise not to exceed \$10;

57-38 (17) a fee to cover costs of required duties of teen

57-39 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the

57-40 court ordering the fee is located in the Texas-Louisiana border

57-41 region, but otherwise \$10;

57-42 (18) a mileage fee for officer performing certain

57-43 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per

57-44 mile;

57-45 (19) certified mailing of notice of hearing date (Art.

57-46 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

57-47 (20) certified mailing of certified copies of an order

57-48 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,

57-49 plus postage;

57-50 (20-a) a fee to defray the cost of notifying state

57-51 agencies of orders of expungement (Art. 45.0216, Code of Criminal

57-52 Procedure) . . . \$30 per application;

57-53 (20-b) a fee to defray the cost of notifying state

57-54 agencies of orders of expunction (Art. 45.055, Code of Criminal

57-55 Procedure) . . . \$30 per application;

57-56 (21) sight orders:

57-57 (A) if the face amount of the check or sight order

57-58 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)

57-59 . . . not to exceed \$10;

57-60 (B) if the face amount of the check or sight order

57-61 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of

57-62 Criminal Procedure) . . . not to exceed \$15;

57-63 (C) if the face amount of the check or sight order

57-64 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of

57-65 Criminal Procedure) . . . not to exceed \$30;

57-66 (D) if the face amount of the check or sight order

57-67 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of

57-68 Criminal Procedure) . . . not to exceed \$50; and

57-69 (E) if the face amount of the check or sight order

58-1 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
 58-2 . . . not to exceed \$75;

58-3 (22) fees for a pretrial intervention program:
 58-4 (A) a supervision fee (Art. 102.012(a), Code of
 58-5 Criminal Procedure) . . . \$60 a month plus expenses; and
 58-6 (B) a district attorney, criminal district
 58-7 attorney, or county attorney administrative fee (Art. 102.0121,
 58-8 Code of Criminal Procedure) . . . not to exceed \$500;

58-9 (23) parking fee violations for child safety fund in
 58-10 municipalities with populations:
 58-11 (A) greater than 850,000 (Art. 102.014, Code of
 58-12 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and
 58-13 (B) less than 850,000 (Art. 102.014, Code of
 58-14 Criminal Procedure) . . . not to exceed \$5;

58-15 (24) an administrative fee for collection of fines,
 58-16 fees, restitution, or other costs (Art. 102.072, Code of Criminal
 58-17 Procedure) . . . not to exceed \$2 for each transaction; and

58-18 (25) a collection fee, if authorized by the
 58-19 commissioners court of a county or the governing body of a
 58-20 municipality, for certain debts and accounts receivable, including
 58-21 unpaid fines, fees, court costs, forfeited bonds, and restitution
 58-22 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
 58-23 percent of an amount more than 60 days past due.

58-24 SECTION 2.38. Section 123.001(b), Government Code, is
 58-25 amended to read as follows:

58-26 (b) If a defendant successfully completes a drug court
 58-27 program, regardless of whether the defendant was convicted of the
 58-28 offense for which the defendant entered the program or whether the
 58-29 court deferred further proceedings without entering an
 58-30 adjudication of guilt, after notice to the state and a hearing on
 58-31 whether the defendant is otherwise entitled to the petition and
 58-32 whether issuance of the order is in the best interest of justice,
 58-33 the court shall enter an order of nondisclosure under Section
 58-34 411.081 as if the defendant had received a discharge and dismissal
 58-35 under Article 42A.111 [~~Section 5(c), Article 42.12~~], Code of
 58-36 Criminal Procedure, with respect to all records and files related
 58-37 to the defendant's arrest for the offense for which the defendant
 58-38 entered the program if the defendant:

58-39 (1) has not been previously convicted of an offense
 58-40 listed in Article 42A.054 [~~Section 3g, Article 42.12~~], Code of
 58-41 Criminal Procedure, or a sexually violent offense, as defined by
 58-42 Article 62.001, Code of Criminal Procedure; and

58-43 (2) is not convicted for any felony offense between
 58-44 the date on which the defendant successfully completed the program
 58-45 and the second anniversary of that date.

58-46 SECTION 2.39. Section 123.008(a), Government Code, is
 58-47 amended to read as follows:

58-48 (a) Notwithstanding Article 42A.304 [~~Sections 13 and 16,~~
 58-49 ~~Article 42.12~~], Code of Criminal Procedure, to encourage
 58-50 participation in a drug court program established under this
 58-51 chapter, the judge or magistrate administering the program may
 58-52 suspend any requirement that, as a condition of community
 58-53 supervision, a participant in the program work a specified number
 58-54 of hours at a community service project or projects.

58-55 SECTION 2.40. Sections 411.081(d) and (e), Government Code,
 58-56 are amended to read as follows:

58-57 (d) Notwithstanding any other provision of this subchapter,
 58-58 if a person is placed on deferred adjudication community
 58-59 supervision under Subchapter C, Chapter 42A [~~Section 5, Article~~
 58-60 ~~42.12~~], Code of Criminal Procedure, subsequently receives a
 58-61 discharge and dismissal under Article 42A.111 [~~Section 5(c),~~
 58-62 ~~Article 42.12~~], and satisfies the requirements of Subsection (e),
 58-63 the person may petition the court that placed the defendant on
 58-64 deferred adjudication for an order of nondisclosure under this
 58-65 subsection. Except as provided by Subsection (e), a person may
 58-66 petition the court for an order of nondisclosure regardless of
 58-67 whether the person has been previously placed on deferred
 58-68 adjudication community supervision for another offense. After
 58-69 notice to the state, an opportunity for a hearing, and a

59-1 determination that the person is entitled to file the petition and
 59-2 issuance of the order is in the best interest of justice, the court
 59-3 shall issue an order prohibiting criminal justice agencies from
 59-4 disclosing to the public criminal history record information
 59-5 related to the offense giving rise to the deferred adjudication. A
 59-6 criminal justice agency may disclose criminal history record
 59-7 information that is the subject of the order only to other criminal
 59-8 justice agencies[7] for criminal justice or regulatory licensing
 59-9 purposes, an agency or entity listed in Subsection (i), or the
 59-10 person who is the subject of the order. A person may petition the
 59-11 court that placed the person on deferred adjudication for an order
 59-12 of nondisclosure only on or after:

59-13 (1) the discharge and dismissal, if the offense for
 59-14 which the person was placed on deferred adjudication was a
 59-15 misdemeanor other than a misdemeanor described by Subdivision (2);

59-16 (2) the second anniversary of the discharge and
 59-17 dismissal, if the offense for which the person was placed on
 59-18 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,
 59-19 25, 42, or 46, Penal Code; or

59-20 (3) the fifth anniversary of the discharge and
 59-21 dismissal, if the offense for which the person was placed on
 59-22 deferred adjudication was a felony.

59-23 (e) A person is entitled to petition the court under
 59-24 Subsection (d) only if during the period of the deferred
 59-25 adjudication community supervision for which the order of
 59-26 nondisclosure is requested and during the applicable period
 59-27 described by Subsection (d)(1), (2), or (3), as appropriate, the
 59-28 person is not convicted of or placed on deferred adjudication
 59-29 community supervision under Subchapter C, Chapter 42A [~~Section 5,~~
 59-30 ~~Article 42.12~~], Code of Criminal Procedure, for any offense other
 59-31 than an offense under the Transportation Code punishable by fine
 59-32 only. A person is not entitled to petition the court under
 59-33 Subsection (d) if the person was placed on the deferred
 59-34 adjudication community supervision for or has been previously
 59-35 convicted or placed on any other deferred adjudication for:

59-36 (1) an offense requiring registration as a sex
 59-37 offender under Chapter 62, Code of Criminal Procedure;

59-38 (2) an offense under Section 20.04, Penal Code,
 59-39 regardless of whether the offense is a reportable conviction or
 59-40 adjudication for purposes of Chapter 62, Code of Criminal
 59-41 Procedure;

59-42 (3) an offense under Section 19.02, 19.03, 22.04,
 59-43 22.041, 25.07, 25.072, or 42.072, Penal Code; or

59-44 (4) any other offense involving family violence, as
 59-45 defined by Section 71.004, Family Code.

59-46 SECTION 2.41. Section 411.145(c), Government Code, is
 59-47 amended to read as follows:

59-48 (c) A fee collected under this section shall be deposited in
 59-49 the state treasury to the credit of the state highway fund, and
 59-50 money deposited to the state highway fund under this section and
 59-51 under Chapter 42A [~~Articles 42.12~~] and Article 102.020(h), Code of
 59-52 Criminal Procedure, may be used only to defray the cost of
 59-53 administering this subchapter and Section 411.0205.

59-54 SECTION 2.42. Section 414.010(a), Government Code, is
 59-55 amended to read as follows:

59-56 (a) Except as provided by Subsection (d), a crime stoppers
 59-57 organization certified by the council to receive money in the form
 59-58 of payments from defendants placed on community supervision under
 59-59 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, or money
 59-60 in the form of repayments of rewards under Articles 37.073 and
 59-61 42.152, Code of Criminal Procedure, may use not more than 20 percent
 59-62 of the money annually received to pay costs incurred in
 59-63 administering the organization and shall use the remainder of the
 59-64 money, including any interest earned on the money, only to reward
 59-65 persons who report information concerning criminal activity. Not
 59-66 later than January 31 of each year, a crime stoppers organization
 59-67 that receives or expends money under this section shall file a
 59-68 detailed report with the council.

59-69 SECTION 2.43. Sections 414.011(a) and (b), Government Code,

60-1 are amended to read as follows:

60-2 (a) The council shall, on application by a crime stoppers
60-3 organization, determine whether the organization is qualified to
60-4 receive repayments of rewards under Articles 37.073 and 42.152,
60-5 Code of Criminal Procedure, or payments from a defendant under
60-6 Chapter 42A [Article 42.12], Code of Criminal Procedure. The
60-7 council shall certify a crime stoppers organization to receive
60-8 those repayments or payments if, considering the organization,
60-9 continuity, leadership, community support, and general conduct of
60-10 the crime stoppers organization, the council determines that the
60-11 repayments or payments will be spent to further the crime
60-12 prevention purposes of the organization.

60-13 (b) Each crime stoppers organization certified by the
60-14 council to receive repayments under Articles 37.073 and 42.152,
60-15 Code of Criminal Procedure, or payments from a defendant under
60-16 Chapter 42A [Article 42.12], Code of Criminal Procedure, is subject
60-17 to a review or audit, including financial and programmatic reviews
60-18 or audits, of finances or programs at the direction of the criminal
60-19 justice division of the governor's office or its designee. A copy
60-20 of the review or audit report shall be submitted to the criminal
60-21 justice division.

60-22 SECTION 2.44. Section 420.008(b), Government Code, is
60-23 amended to read as follows:

60-24 (b) The fund consists of fees collected under:

- 60-25 (1) Article 42A.653(a) [Section 19(e), Article
60-26 42.12], Code of Criminal Procedure;
60-27 (2) Section 508.189, Government Code; and
60-28 (3) Subchapter B, Chapter 102, Business & Commerce
60-29 Code, and deposited under Section 102.054.

60-30 SECTION 2.45. Sections 420.014(a) and (e), Government Code,
60-31 are amended to read as follows:

60-32 (a) If the attorney general reasonably believes that a court
60-33 or a community supervision office has not properly assessed or made
60-34 a reasonable effort to collect costs due under Chapter 42A [Article
60-35 42.12 or 42.18], Code of Criminal Procedure, or Chapter 508,
60-36 Government Code, the attorney general shall send a warning letter
60-37 to the court or the governing body of the governmental unit in which
60-38 the court is located.

60-39 (e) If the attorney general finds from available evidence
60-40 that a court or a community supervision office has not properly
60-41 assessed or made a reasonable effort to collect costs due under
60-42 Chapter 42A [Article 42.12 or 42.18], Code of Criminal Procedure,
60-43 or Chapter 508, Government Code, the attorney general may:

- 60-44 (1) refuse to award grants under this subchapter to
60-45 residents of the jurisdiction served by the court or community
60-46 supervision office; or
60-47 (2) in the case of a court, notify the State Commission
60-48 on Judicial Conduct of the findings.

60-49 SECTION 2.46. Sections 493.009(a), (a-1), (b), (c), (d),
60-50 (e), (g), (h), (k), and (q), Government Code, are amended to read as
60-51 follows:

60-52 (a) The department shall establish a program to confine and
60-53 treat:

60-54 (1) defendants required to participate in the program
60-55 under Article 42A.303 [Section 14, Article 42.12], Code of Criminal
60-56 Procedure; and

60-57 (2) individuals referred for treatment as part of a
60-58 drug court program established under Chapter 123 or a similar
60-59 program created under other law.

60-60 (a-1) The board by rule may modify requirements imposed by
60-61 this section and Chapter 42A [Article 42.12], Code of Criminal
60-62 Procedure, as necessary to properly treat individuals who are not
60-63 participating in the program as a condition of community
60-64 supervision.

60-65 (b) The board shall adopt criteria to determine the
60-66 suitability of candidates for participation in the program. The
60-67 department and the Department of State Health Services [Texas
60-68 Commission on Alcohol and Drug Abuse] shall jointly develop methods
60-69 of screening and assessing defendants required to participate in

61-1 the program under Article 42A.303 [~~Section 14, Article 42.12~~], Code
 61-2 of Criminal Procedure, to determine their need for specific types
 61-3 of treatment for alcohol or drug abuse problems.

61-4 (c) The program for persons required to participate in the
 61-5 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of
 61-6 Criminal Procedure, must consist of treatment programs that may
 61-7 vary in time from 90 days to 12 months.

61-8 (d) The program for persons required to participate in the
 61-9 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of
 61-10 Criminal Procedure, provided under this section must contain highly
 61-11 structured work, education, and treatment schedules, a clearly
 61-12 delineated authority structure, and well-defined goals and
 61-13 guidelines. The department shall establish a graded system of
 61-14 rewards and sanctions for defendants who participate in the
 61-15 program, but a defendant required to participate in the program
 61-16 under Article 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal
 61-17 Procedure, is not entitled to earn awards of time for good conduct.
 61-18 A qualified professional, at least every 60 days, must perform an
 61-19 evaluation on a defendant that determines the defendant's treatment
 61-20 progress and institutional behavior. Not later than three days
 61-21 after the date on which a four-month evaluation is performed, the
 61-22 qualified professional shall establish a tentative release date for
 61-23 the defendant, notify the sentencing court of that fact, and
 61-24 include with the notice a copy of the four-month evaluation. The
 61-25 qualified professional immediately shall notify the court if the
 61-26 professional determines the defendant's conduct requires a
 61-27 revision of the tentative release date.

61-28 (e) The department shall employ or contract with qualified
 61-29 professionals to implement the program for persons required to
 61-30 participate in the program under Article 42A.303 [~~Section 14,~~
 61-31 ~~Article 42.12~~], Code of Criminal Procedure. For purposes of this
 61-32 subsection, a "qualified professional" is a person who:

- 61-33 (1) is a licensed chemical dependency counselor;
 61-34 (2) is a licensed social worker who has at least two
 61-35 years of experience in chemical dependency counseling; or
 61-36 (3) is a licensed professional counselor, physician,
 61-37 or psychologist and who has at least two years of experience in
 61-38 chemical dependency counseling.

61-39 (g) The department shall provide beds for the purpose of
 61-40 operating the program for persons required to participate in the
 61-41 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of
 61-42 Criminal Procedure, [~~as amended by Chapter 900, Acts of the 73rd~~
 61-43 ~~Legislature, Regular Session, 1993,~~] except that the beds may also
 61-44 be used to house the following categories of persons:

- 61-45 (1) persons transferred under Subchapter A, Chapter
 61-46 499, and Section 508.118;
 61-47 (2) persons whose community supervision or parole has
 61-48 been modified;
 61-49 (3) defendants confined in county jails awaiting
 61-50 transfer to the institutional division; and
 61-51 (4) inmates participating in the program described by
 61-52 Section 501.0931.

61-53 (h) On and after the date persons are required under Article
 61-54 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, to
 61-55 participate in the program established under this section, the
 61-56 department shall give priority to housing those persons over the
 61-57 categories of persons described by Subsections (g)(1)-(4).

61-58 (k) It is the intent of the legislature that facilities
 61-59 established under this section be used primarily to house persons
 61-60 required to participate in the program under Article 42A.303
 61-61 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, except
 61-62 that if treatment beds are empty, this subsection does not prohibit
 61-63 the department from using those empty beds to treat the categories
 61-64 of persons listed in Subsection (g).

61-65 (q) The department not less often than every two years shall
 61-66 determine whether the department should increase the number of beds
 61-67 provided by the department for the operation of the program for
 61-68 persons required to participate in the program under Article
 61-69 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure[7

62-1 ~~as amended by Chapter 900, Acts of the 73rd Legislature, Regular~~
 62-2 ~~Session, 1993].~~

62-3 SECTION 2.47. Sections 493.009(f)(1) and (3), Government
 62-4 Code, are amended to read as follows:

62-5 (f)(1) The department shall adopt rules of conduct for
 62-6 persons required to participate in the program under Article
 62-7 42A.303 [~~Section 14, Article 42.12~~], Code of Criminal Procedure, or
 62-8 required to participate in the program following modification of
 62-9 community supervision or parole.

62-10 (3) The department, immediately on receiving notice,
 62-11 shall request the sentencing court to reassume custody of the
 62-12 defendant if the defendant was required to participate in the
 62-13 program under Article 42A.303 [~~Section 14, Article 42.12~~], Code of
 62-14 Criminal Procedure, or required to participate in the program
 62-15 following modification of community supervision. The court shall
 62-16 reassume custody before the 12th day after the date on which the
 62-17 department notifies the court. If the court revokes the
 62-18 defendant's community supervision, the admission of the defendant
 62-19 to the institutional division is an admission for which the
 62-20 department must account in the scheduled admissions policy
 62-21 established under Section 499.071.

62-22 SECTION 2.48. Section 493.017(a), Government Code, is
 62-23 amended to read as follows:

62-24 (a) A sex offender correction program that provides
 62-25 counseling sessions for a sex offender under Article 42A.453
 62-26 [~~Section 13B, Article 42.12~~], Code of Criminal Procedure, shall
 62-27 report to the community supervision and corrections department
 62-28 officer supervising the offender, not later than the 15th day of
 62-29 each month, the following information about the offender:

62-30 (1) the total number of counseling sessions attended
 62-31 by the sex offender during the preceding month; and

62-32 (2) if during the preceding month the sex offender
 62-33 terminates participation in the program before completing
 62-34 counseling, the reason for the sex offender's termination of
 62-35 counseling.

62-36 SECTION 2.49. Section 499.027(b), Government Code, is
 62-37 amended to read as follows:

62-38 (b) An inmate is not eligible under this subchapter to be
 62-39 considered for release to intensive supervision parole if:

62-40 (1) the inmate is awaiting transfer to the
 62-41 institutional division, or serving a sentence, for an offense for
 62-42 which the judgment contains an affirmative finding under Article
 62-43 42A.054(c) or (d) [~~Section 3g(a)(2), Article 42.12~~], Code of
 62-44 Criminal Procedure;

62-45 (2) the inmate is awaiting transfer to the
 62-46 institutional division, or serving a sentence, for an offense
 62-47 listed in one of the following sections of the Penal Code:

- 62-48 (A) Section 19.02 (murder);
- 62-49 (B) Section 19.03 (capital murder);
- 62-50 (C) Section 19.04 (manslaughter);
- 62-51 (D) Section 20.03 (kidnapping);
- 62-52 (E) Section 20.04 (aggravated kidnapping);
- 62-53 (F) Section 21.11 (indecenty with a child);
- 62-54 (G) Section 22.011 (sexual assault);
- 62-55 (H) Section 22.02 (aggravated assault);
- 62-56 (I) Section 22.021 (aggravated sexual assault);
- 62-57 (J) Section 22.04 (injury to a child, elderly
 62-58 individual, or disabled individual);
- 62-59 (K) Section 25.02 (prohibited sexual conduct);
- 62-60 (L) Section 25.08 (sale or purchase of a child);
- 62-61 (M) Section 28.02 (arson);
- 62-62 (N) Section 29.02 (robbery);
- 62-63 (O) Section 29.03 (aggravated robbery);
- 62-64 (P) Section 30.02 (burglary), if the offense is
 62-65 punished as a first-degree felony under that section;
- 62-66 (Q) Section 43.04 (aggravated promotion of
 62-67 prostitution);
- 62-68 (R) Section 43.05 (compelling prostitution);
- 62-69 (S) Section 43.24 (sale, distribution, or

63-1 display of harmful material to minor);
 63-2 (T) Section 43.25 (sexual performance by a
 63-3 child);
 63-4 (U) Section 46.10 (deadly weapon in penal
 63-5 institution);
 63-6 (V) Section 15.01 (criminal attempt), if the
 63-7 offense attempted is listed in this subsection;
 63-8 (W) Section 15.02 (criminal conspiracy), if the
 63-9 offense that is the subject of the conspiracy is listed in this
 63-10 subsection;

63-11 (X) Section 15.03 (criminal solicitation), if
 63-12 the offense solicited is listed in this subsection;

63-13 (Y) Section 21.02 (continuous sexual abuse of
 63-14 young child or children);

63-15 (Z) Section 20A.02 (trafficking of persons); or

63-16 (AA) Section 20A.03 (continuous trafficking of
 63-17 persons); or

63-18 (3) the inmate is awaiting transfer to the
 63-19 institutional division, or serving a sentence, for an offense under
 63-20 Chapter 481, Health and Safety Code, punishable by a minimum term of
 63-21 imprisonment or a maximum fine that is greater than the minimum term
 63-22 of imprisonment or the maximum fine for a first degree felony.

63-23 SECTION 2.50. Section 499.053(d), Government Code, is
 63-24 amended to read as follows:

63-25 (d) A person transferred from the Texas Juvenile Justice
 63-26 Department for the offense of capital murder shall become eligible
 63-27 for parole as provided in Section 508.145(d) for an offense listed
 63-28 in Article 42A.054 [~~Section 3g, Article 42.12~~], Code of Criminal
 63-29 Procedure, or an offense for which a deadly weapon finding has been
 63-30 made.

63-31 SECTION 2.51. Section 508.145(d), Government Code, is
 63-32 amended to read as follows:

63-33 (d)(1) This subsection applies only to an [An] inmate who is
 63-34 serving a sentence for:

63-35 (A) an offense described by Article 42A.054(a)
 63-36 [~~Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), (K),~~
 63-37 (L), (M), or (N), Article 42.12], Code of Criminal Procedure, other
 63-38 than an offense under Section 19.03, Penal Code;

63-39 (B) an offense for which the judgment contains an
 63-40 affirmative finding under Article 42A.054(c) or (d), Code of
 63-41 Criminal Procedure;

63-42 (C) [~~Section 3g(a)(2) of that article,~~] an
 63-43 offense under Section 20A.03, Penal Code; [7] or

63-44 (D) an offense under Section 71.02 or 71.023,
 63-45 Penal Code.

63-46 (2) An inmate described by Subdivision (1) [7] is not
 63-47 eligible for release on parole until the inmate's actual calendar
 63-48 time served, without consideration of good conduct time, equals
 63-49 one-half of the sentence or 30 calendar years, whichever is less,
 63-50 but in no event is the inmate eligible for release on parole in less
 63-51 than two calendar years.

63-52 (3) [~~(2)~~] Notwithstanding Subdivision (2) [(1)], an
 63-53 inmate who is serving a sentence for an offense under Section
 63-54 22.021, Penal Code [~~described by Section 3g(a)(1)(E), Article~~
 63-55 42.12, Code of Criminal Procedure], is not eligible for release on
 63-56 parole if the inmate is serving a sentence for an offense for which
 63-57 punishment was enhanced under Section 12.42(c)(4), Penal Code.

63-58 SECTION 2.52. Sections 508.146(a) and (f), Government Code,
 63-59 are amended to read as follows:

63-60 (a) An inmate other than an inmate who is serving a sentence
 63-61 of death or life without parole may be released on medically
 63-62 recommended intensive supervision on a date designated by a parole
 63-63 panel described by Subsection (e), except that an inmate with an
 63-64 instant offense that is an offense described in Article 42A.054
 63-65 [~~Section 3g, Article 42.12~~], Code of Criminal Procedure, or an
 63-66 inmate who has a reportable conviction or adjudication under
 63-67 Chapter 62, Code of Criminal Procedure, may only be considered if a
 63-68 medical condition of terminal illness or long-term care has been
 63-69 diagnosed by a physician, if:

64-1 (1) the Texas Correctional Office on Offenders with
 64-2 Medical or Mental Impairments, in cooperation with the Correctional
 64-3 Managed Health Care Committee, identifies the inmate as being:

64-4 (A) a person who is elderly or terminally ill, a
 64-5 person with mental illness, an intellectual disability, or a
 64-6 physical disability, [physically disabled, mentally ill,
 64-7 terminally ill, or mentally retarded] or a person who has [having] a
 64-8 condition requiring long-term care, if the inmate is an inmate with
 64-9 an instant offense that is described in Article 42A.054 [Section
 64-10 3g, Article 42.12], Code of Criminal Procedure; or

64-11 (B) in a persistent vegetative state or being a
 64-12 person with an organic brain syndrome with significant to total
 64-13 mobility impairment, if the inmate is an inmate who has a reportable
 64-14 conviction or adjudication under Chapter 62, Code of Criminal
 64-15 Procedure;

64-16 (2) the parole panel determines that, based on the
 64-17 inmate's condition and a medical evaluation, the inmate does not
 64-18 constitute a threat to public safety; and

64-19 (3) the Texas Correctional Office on Offenders with
 64-20 Medical or Mental Impairments, in cooperation with the pardons and
 64-21 paroles division, has prepared for the inmate a medically
 64-22 recommended intensive supervision plan that requires the inmate to
 64-23 submit to electronic monitoring, places the inmate on
 64-24 super-intensive supervision, or otherwise ensures appropriate
 64-25 supervision of the inmate.

64-26 (f) An inmate who is not a citizen of the United States, as
 64-27 defined by federal law, who is not under a sentence of death or life
 64-28 without parole, and who does not have a reportable conviction or
 64-29 adjudication under Chapter 62, Code of Criminal Procedure, or an
 64-30 instant offense described in Article 42A.054 [Section 3g, Article
 64-31 42.12], Code of Criminal Procedure, may be released to immigration
 64-32 authorities pending deportation on a date designated by a parole
 64-33 panel described by Subsection (e) if the parole panel determines
 64-34 that on release the inmate would be deported to another country and
 64-35 that the inmate does not constitute a threat to public safety in the
 64-36 other country or this country and is unlikely to reenter this
 64-37 country illegally.

64-38 SECTION 2.53. Section 508.149(a), Government Code, is
 64-39 amended to read as follows:

64-40 (a) An inmate may not be released to mandatory supervision
 64-41 if the inmate is serving a sentence for or has been previously
 64-42 convicted of:

64-43 (1) an offense for which the judgment contains an
 64-44 affirmative finding under Article 42A.054(c) or (d) [Section
 64-45 3g(a)(2), Article 42.12], Code of Criminal Procedure;

64-46 (2) a first degree felony or a second degree felony
 64-47 under Section 19.02, Penal Code;

64-48 (3) a capital felony under Section 19.03, Penal Code;

64-49 (4) a first degree felony or a second degree felony
 64-50 under Section 20.04, Penal Code;

64-51 (5) an offense under Section 21.11, Penal Code;

64-52 (6) a felony under Section 22.011, Penal Code;

64-53 (7) a first degree felony or a second degree felony
 64-54 under Section 22.02, Penal Code;

64-55 (8) a first degree felony under Section 22.021, Penal
 64-56 Code;

64-57 (9) a first degree felony under Section 22.04, Penal
 64-58 Code;

64-59 (10) a first degree felony under Section 28.02, Penal
 64-60 Code;

64-61 (11) a second degree felony under Section 29.02, Penal
 64-62 Code;

64-63 (12) a first degree felony under Section 29.03, Penal
 64-64 Code;

64-65 (13) a first degree felony under Section 30.02, Penal
 64-66 Code;

64-67 (14) a felony for which the punishment is increased
 64-68 under Section 481.134 or Section 481.140, Health and Safety Code;

64-69 (15) an offense under Section 43.25, Penal Code;

- 65-1 (16) an offense under Section 21.02, Penal Code;
- 65-2 (17) a first degree felony under Section 15.03, Penal
- 65-3 Code;
- 65-4 (18) an offense under Section 43.05, Penal Code;
- 65-5 (19) an offense under Section 20A.02, Penal Code;
- 65-6 (20) an offense under Section 20A.03, Penal Code; or
- 65-7 (21) a first degree felony under Section 71.02 or
- 65-8 71.023, Penal Code.

65-9 SECTION 2.54. Section 508.151(a), Government Code, is
 65-10 amended to read as follows:

65-11 (a) For the purpose of diverting inmates to halfway houses
 65-12 under Section 508.118, a parole panel, after reviewing all
 65-13 available pertinent information, may designate a presumptive
 65-14 parole date for an inmate who:

65-15 (1) has never been convicted of an offense listed
 65-16 under Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of
 65-17 Criminal Procedure, or an offense under Section 20A.03 or 21.02,
 65-18 Penal Code; and

65-19 (2) has never had a conviction with a judgment that
 65-20 contains an affirmative finding under Article 42A.054(c) or (d)
 65-21 [~~Section 3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

65-22 SECTION 2.55. Section 508.221, Government Code, is amended
 65-23 to read as follows:

65-24 Sec. 508.221. CONDITIONS PERMITTED GENERALLY. A parole
 65-25 panel may impose as a condition of parole or mandatory supervision
 65-26 any condition that a court may impose on a defendant placed on
 65-27 community supervision under Chapter 42A [~~Article 42.12~~], Code of
 65-28 Criminal Procedure, including the condition that a releasee submit
 65-29 to testing for controlled substances or submit to electronic
 65-30 monitoring if the parole panel determines that without testing for
 65-31 controlled substances or participation in an electronic monitoring
 65-32 program the inmate would not be released on parole.

65-33 SECTION 2.56. Section 508.225(a), Government Code, is
 65-34 amended to read as follows:

65-35 (a) If the nature of the offense for which an inmate is
 65-36 serving a sentence warrants the establishment of a child safety
 65-37 zone, a parole panel may establish a child safety zone applicable to
 65-38 an inmate serving a sentence for an offense listed in Article
 65-39 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal
 65-40 Procedure, or for which the judgment contains an affirmative
 65-41 finding under Article 42A.054(c) or (d) [~~Section 3g(a)(2), Article~~
 65-42 ~~42.12~~], Code of Criminal Procedure, by requiring as a condition of
 65-43 parole or release to mandatory supervision that the inmate not:

65-44 (1) supervise or participate in any program that
 65-45 includes as participants or recipients persons who are 17 years of
 65-46 age or younger and that regularly provides athletic, civic, or
 65-47 cultural activities; or

65-48 (2) go in or on, or within a distance specified by the
 65-49 panel of, a premises where children commonly gather, including a
 65-50 school, day-care facility, playground, public or private youth
 65-51 center, public swimming pool, or video arcade facility.

65-52 SECTION 2.57. Section 509.0071(b), Government Code, is
 65-53 amended to read as follows:

65-54 (b) A commitment reduction plan submitted under this
 65-55 section may contain a request for additional state funding in the
 65-56 manner described by Subsection (e). A commitment reduction plan
 65-57 must contain:

65-58 (1) a target number by which the county or counties
 65-59 served by the department or regional partnership of departments
 65-60 will, relative to the number of individuals committed in the
 65-61 preceding state fiscal year from the county or counties to the Texas
 65-62 Department of Criminal Justice for offenses not listed in or
 65-63 described by Article 42A.054 [~~Section 3g, Article 42.12~~], Code of
 65-64 Criminal Procedure, reduce that number in the fiscal year for which
 65-65 the commitment reduction plan is submitted by reducing the number
 65-66 of:

- 65-67 (A) direct sentencing commitments;
- 65-68 (B) community supervision revocations; or
- 65-69 (C) direct sentencing commitments and community

66-1 supervision revocations;

66-2 (2) a calculation, based on the most recent Criminal
66-3 Justice Uniform Cost Report published by the Legislative Budget
66-4 Board, of the savings to the state that will result from the county
66-5 or counties reaching the target number described by Subdivision
66-6 (1);

66-7 (3) an explanation of the programs and services the
66-8 department or regional partnership of departments intends to
66-9 provide using any funding received under Subsection (e)(1),
66-10 including any programs or services designed to enhance public
66-11 safety, reduce recidivism, strengthen the investigation and
66-12 prosecution of criminal offenses, improve programs and services
66-13 available to victims of crime, and increase the amount of
66-14 restitution collected from persons supervised by the department or
66-15 regional partnership of departments;

66-16 (4) a pledge by the department or regional partnership
66-17 of departments to provide accurate data to the division at the time
66-18 and in the manner required by the division;

66-19 (5) a pledge to repay to the state, not later than the
66-20 30th day after the last day of the state fiscal year in which the
66-21 lump-sum award is made, a percentage of the lump sum received under
66-22 Subsection (e)(1) that is equal to the percentage by which the
66-23 county or counties fail to reach the target number described by
66-24 Subdivision (1), if the county or counties do not reach that target
66-25 number; and

66-26 (6) if the commitment reduction plan is submitted by a
66-27 regional partnership of departments, an agreement and plan for the
66-28 receipt, division, and administration of any funding received under
66-29 Subsection (e).

66-30 SECTION 2.58. Section 509.015, Government Code, is amended
66-31 to read as follows:

66-32 Sec. 509.015. TREATMENT STANDARDS FOR CERTAIN STATE JAIL
66-33 FELONIES. The division shall propose and the board shall adopt best
66-34 practices standards for substance abuse treatment conditions
66-35 imposed under Article 42A.554(c) [~~Section 15(c)(2), Article~~
66-36 ~~42.12~~], Code of Criminal Procedure.

66-37 SECTION 2.59. Section 509.017, Government Code, is amended
66-38 to read as follows:

66-39 Sec. 509.017. SPECIAL ALLOCATION FOR CERTAIN DEFENDANTS
66-40 PLACED ON STATE JAIL FELONY COMMUNITY SUPERVISION. Notwithstanding
66-41 any other provision of this chapter, the Texas Department of
66-42 Criminal Justice shall adopt policies and procedures to:

66-43 (1) determine the cost savings to the Texas Department
66-44 of Criminal Justice realized through the release of defendants on
66-45 community supervision under Article 42A.551(d)(2)(B) [~~Section~~
66-46 ~~15(a)(2)(B)(ii), Article 42.12~~], Code of Criminal Procedure; and

66-47 (2) provide 30 percent of that cost savings to the
66-48 division to be allocated to individual departments and used for the
66-49 same purpose that state aid is used under Section 509.011.

66-50 SECTION 2.60. Section 557.001(c), Government Code, is
66-51 amended to read as follows:

66-52 (c) A person convicted of an offense under this section may
66-53 not receive community supervision [~~probation~~] under Chapter 42A
66-54 [~~Article 42.12~~], Code of Criminal Procedure.

66-55 SECTION 2.61. Section 772.0071(a)(1), Government Code, is
66-56 amended to read as follows:

66-57 (1) "Border crime" means any crime that occurs in the
66-58 border region and that undermines public safety or security,
66-59 including an offense:

66-60 (A) during the prosecution of which an
66-61 affirmative finding may be requested under Article 42A.054(c) or
66-62 (d) [~~Section 39(a)(2), Article 42.12~~], Code of Criminal Procedure;

66-63 (B) under Chapter 19, 20, 20A, 46, or 71, Penal
66-64 Code;

66-65 (C) under Title 7 or 8, Penal Code;

66-66 (D) under Chapter 481, Health and Safety Code;

66-67 (E) committed by a person who is not a citizen or
66-68 national of the United States and is not lawfully present in the
66-69 United States; or

67-1 (F) that is coordinated with or related to
 67-2 activities or crimes that occur or are committed in the United
 67-3 Mexican States.

67-4 SECTION 2.62. Section [2001.221](#), Government Code, is amended
 67-5 to read as follows:

67-6 Sec. 2001.221. DRIVER'S LICENSES. This chapter does not
 67-7 apply to a suspension, revocation, cancellation, denial, or
 67-8 disqualification of a driver's license or commercial driver's
 67-9 license as authorized by:

67-10 (1) Subchapter N, Chapter 521, Transportation Code,
 67-11 except Sections 521.304 and 521.305 of that subchapter, or by
 67-12 Subchapter O or P of that chapter;

67-13 (2) Chapter 522, Transportation Code;

67-14 (3) Chapter 601, Transportation Code; or

67-15 (4) Article 42A.406 or 42A.407 [~~Section 13, Article~~
 67-16 [42.12](#)], Code of Criminal Procedure.

67-17 SECTION 2.63. Section [2002.023](#), Government Code, is amended
 67-18 to read as follows:

67-19 Sec. 2002.023. EXCEPTIONS. This subchapter does not apply
 67-20 to:

67-21 (1) a suspension, revocation, cancellation, denial,
 67-22 or disqualification of a driver's license or commercial driver's
 67-23 license as authorized by:

67-24 (A) Subchapter N, Chapter 521, Transportation
 67-25 Code, except Sections 521.304 and 521.305 of that subchapter, or by
 67-26 Subchapter O or P of that chapter;

67-27 (B) Chapter 522, Transportation Code;

67-28 (C) Chapter 601, Transportation Code;

67-29 (D) Chapter 724, Transportation Code; or

67-30 (E) Article 42A.406 or 42A.407 [~~Section 13,~~
 67-31 ~~Article 42.12~~], Code of Criminal Procedure;

67-32 (2) matters related solely to the internal personnel
 67-33 rules and practices of a state agency;

67-34 (3) the Texas Workforce Commission, other than to
 67-35 matters of unemployment insurance maintained by the commission; or

67-36 (4) a rule or internal procedure of the Texas
 67-37 Department of Criminal Justice or Texas Board of Criminal Justice
 67-38 that applies to an inmate or any other person under the custody or
 67-39 control of the department or to an action taken under that rule or
 67-40 procedure.

67-41 SECTION 2.64. Section [81.093\(b\)](#), Health and Safety Code, is
 67-42 amended to read as follows:

67-43 (b) The court shall order that a presentence
 67-44 [~~presentencing~~] report be prepared under Subchapter F, Chapter 42A
 67-45 [~~Section 9, Article 42.12~~], Code of Criminal Procedure, to
 67-46 determine if a person convicted of an offense under Chapter 481
 67-47 (Texas Controlled Substances Act) or under Sections [485.031](#) through
 67-48 [485.035](#) should be subject to Section [81.083](#) and Subchapter G.

67-49 SECTION 2.65. Section [169.001\(b\)](#), Health and Safety Code,
 67-50 is amended to read as follows:

67-51 (b) If a defendant successfully completes a first offender
 67-52 prostitution prevention program, regardless of whether the
 67-53 defendant was convicted of the offense for which the defendant
 67-54 entered the program or whether the court deferred further
 67-55 proceedings without entering an adjudication of guilt, after notice
 67-56 to the state and a hearing on whether the defendant is otherwise
 67-57 entitled to the petition, including whether the required time
 67-58 period has elapsed, and whether issuance of the order is in the best
 67-59 interest of justice, the court shall enter an order of
 67-60 nondisclosure under Section [411.081](#), Government Code, as if the
 67-61 defendant had received a discharge and dismissal under Article
 67-62 42A.111 [~~Section 5(c), Article 42.12~~], Code of Criminal Procedure,
 67-63 with respect to all records and files related to the defendant's
 67-64 arrest for the offense for which the defendant entered the program
 67-65 if the defendant:

67-66 (1) has not been previously convicted of a felony
 67-67 offense; and

67-68 (2) is not convicted of any other felony offense
 67-69 before the second anniversary of the defendant's successful

68-1 completion of the program.

68-2 SECTION 2.66. Section 169.002(b), Health and Safety Code,
68-3 is amended to read as follows:

68-4 (b) A defendant is eligible to participate in a first
68-5 offender prostitution prevention program established under this
68-6 chapter only if:

68-7 (1) the attorney representing the state consents to
68-8 the defendant's participation in the program; and

68-9 (2) the court in which the criminal case is pending
68-10 finds that the defendant has not been previously convicted of:

68-11 (A) an offense under Section 20A.02, 43.02,
68-12 43.03, 43.04, or 43.05, Penal Code;

68-13 (B) an offense listed in Article 42A.054(a)
68-14 [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal Procedure; or

68-15 (C) an offense punishable as a felony under
68-16 Chapter 481.

68-17 SECTION 2.67. Section 169A.001(b), Health and Safety Code,
68-18 is amended to read as follows:

68-19 (b) If a defendant successfully completes a prostitution
68-20 prevention program, regardless of whether the defendant was
68-21 convicted of the offense for which the defendant entered the
68-22 program or whether the court deferred further proceedings without
68-23 entering an adjudication of guilt, after notice to the state and a
68-24 hearing on whether the defendant is otherwise entitled to the
68-25 petition, including whether the required time has elapsed, and
68-26 whether issuance of the order is in the best interest of justice,
68-27 the court shall enter an order of nondisclosure under Section
68-28 411.081, Government Code, as if the defendant had received a
68-29 discharge and dismissal under Article 42A.111 [~~Section 5(c),
68-30 Article 42.12~~], Code of Criminal Procedure, with respect to all
68-31 records and files related to the defendant's arrest for the offense
68-32 for which the defendant entered the program.

68-33 SECTION 2.68. Section 250.006(d), Health and Safety Code,
68-34 is amended to read as follows:

68-35 (d) For purposes of this section, a person who is placed on
68-36 deferred adjudication community supervision for an offense listed
68-37 in this section, successfully completes the period of deferred
68-38 adjudication community supervision, and receives a dismissal and
68-39 discharge in accordance with Article 42A.111 [~~Section 5(c), Article
68-40 42.12~~], Code of Criminal Procedure, is not considered convicted of
68-41 the offense for which the person received deferred adjudication
68-42 community supervision.

68-43 SECTION 2.69. Section 534.053(c), Health and Safety Code,
68-44 is amended to read as follows:

68-45 (c) To the extent that resources are available, the
68-46 department shall:

68-47 (1) ensure that the services listed in this section
68-48 are available for children, including adolescents, as well as
68-49 adults, in each service area;

68-50 (2) emphasize early intervention services for
68-51 children, including adolescents, who meet the department's
68-52 definition of being at high risk of developing severe emotional
68-53 disturbances or severe mental illnesses; and

68-54 (3) ensure that services listed in this section are
68-55 available for defendants required to submit to mental health
68-56 treatment under Article 17.032, 42A.104, or 42A.506 [~~Section 5(a)
68-57 or 11(d), Article 42.12~~], Code of Criminal Procedure.

68-58 SECTION 2.70. Section 614.0032(a), Health and Safety Code,
68-59 is amended to read as follows:

68-60 (a) The office shall:

68-61 (1) perform duties imposed on the office by Section
68-62 508.146, Government Code; and

68-63 (2) periodically identify state jail felony
68-64 defendants suitable for release under Article 42A.561 [~~Section
68-65 15(i), Article 42.12~~], Code of Criminal Procedure, and perform
68-66 other duties imposed on the office by that article [~~section~~].

68-67 SECTION 2.71. Section 773.0614(c), Health and Safety Code,
68-68 is amended to read as follows:

68-69 (c) A certificate holder's certificate shall be revoked if

69-1 the certificate holder has been convicted of or placed on deferred
 69-2 adjudication community supervision or deferred disposition for:

69-3 (1) an offense listed in Article 42A.054(a)(2), (3),
 69-4 (4), (6), (7), (8), (10), or (14) [Sections 3g(a)(1)(A) through
 69-5 (H), Article 42.12], Code of Criminal Procedure; or

69-6 (2) an offense, other than an offense described by
 69-7 Subdivision (1), committed on or after September 1, 2009, for which
 69-8 the person is subject to registration under Chapter 62, Code of
 69-9 Criminal Procedure.

69-10 SECTION 2.72. Section 773.06141(a), Health and Safety Code,
 69-11 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular
 69-12 Session, 2015, is amended to read as follows:

69-13 (a) The department may suspend, revoke, or deny an emergency
 69-14 medical services provider license on the grounds that the
 69-15 provider's administrator of record, employee, or other
 69-16 representative:

69-17 (1) has been convicted of, or placed on deferred
 69-18 adjudication community supervision or deferred disposition for, an
 69-19 offense that directly relates to the duties and responsibilities of
 69-20 the administrator, employee, or representative, other than an
 69-21 offense for which points are assigned under Section 708.052,
 69-22 Transportation Code;

69-23 (2) has been convicted of or placed on deferred
 69-24 adjudication community supervision or deferred disposition for an
 69-25 offense, including:

69-26 (A) an offense listed in Article 42A.054(a)(2),
 69-27 (3), (4), (6), (7), (8), (10), or (14) [Sections 3g(a)(1)(A)
 69-28 through (H), Article 42.12], Code of Criminal Procedure; or

69-29 (B) an offense, other than an offense described
 69-30 by Subdivision (1), for which the person is subject to registration
 69-31 under Chapter 62, Code of Criminal Procedure; or

69-32 (3) has been convicted of Medicare or Medicaid fraud,
 69-33 has been excluded from participation in the state Medicaid program,
 69-34 or has a hold on payment for reimbursement under the state Medicaid
 69-35 program under Subchapter C, Chapter 531, Government Code.

69-36 SECTION 2.73. Section 841.082(a), Health and Safety Code,
 69-37 is amended to read as follows:

69-38 (a) Before entering an order directing a person's
 69-39 outpatient civil commitment, the judge shall impose on the person
 69-40 requirements necessary to ensure the person's compliance with
 69-41 treatment and supervision and to protect the community. The
 69-42 requirements shall include:

69-43 (1) requiring the person to reside in a Texas
 69-44 residential facility under contract with the office or at another
 69-45 location or facility approved by the office;

69-46 (2) prohibiting the person's contact with a victim or
 69-47 potential victim of the person;

69-48 (3) prohibiting the person's possession or use of
 69-49 alcohol, inhalants, or a controlled substance;

69-50 (4) requiring the person's participation in and
 69-51 compliance with a specific course of treatment provided by the
 69-52 office and compliance with all written requirements imposed by the
 69-53 case manager or otherwise by the office;

69-54 (5) requiring the person to:

69-55 (A) submit to tracking under a particular type of
 69-56 tracking service and to any other appropriate supervision; and

69-57 (B) refrain from tampering with, altering,
 69-58 modifying, obstructing, or manipulating the tracking equipment;

69-59 (6) prohibiting the person from changing the person's
 69-60 residence without prior authorization from the judge and from
 69-61 leaving the state without that prior authorization;

69-62 (7) if determined appropriate by the judge,
 69-63 establishing a child safety zone in the same manner as a child
 69-64 safety zone is established by a judge under Article 42A.453
 69-65 [Section 13B, Article 42.12], Code of Criminal Procedure, and
 69-66 requiring the person to comply with requirements related to the
 69-67 safety zone; and

69-68 (8) any other requirements determined necessary by the
 69-69 judge.

70-1 SECTION 2.74. Section 133.055(b), Local Government Code, is
 70-2 amended to read as follows:

70-3 (b) If the treasurer does not collect any fees during a
 70-4 calendar quarter, the treasurer shall file the report required for
 70-5 the quarter in the regular manner. The report must state that no
 70-6 fees were collected. This subsection does not apply to fees
 70-7 collected under Article 42A.303 or 42A.653 [~~Sections 14 and 19,~~
 70-8 ~~Article 42.12~~], Code of Criminal Procedure, or under Section
 70-9 76.013, Government Code.

70-10 SECTION 2.75. Section 133.058(d), Local Government Code, is
 70-11 amended to read as follows:

70-12 (d) A county may not retain a service fee on the collection
 70-13 of a fee:

- 70-14 (1) for the judicial fund;
- 70-15 (2) under Article 42A.303 or 42A.653 [~~Sections 14 and~~
 70-16 ~~19, Article 42.12~~], Code of Criminal Procedure; or
- 70-17 (3) under Section 51.851, Government Code.

70-18 SECTION 2.76. Section 152.017, Local Government Code, is
 70-19 amended to read as follows:

70-20 Sec. 152.017. EXCEPTIONS. This subchapter does not apply
 70-21 to:

- 70-22 (1) a judge of a court of record;
- 70-23 (2) a presiding judge of a commissioners court in a
 70-24 county with a population of 3.3 million or more;
- 70-25 (3) a district attorney paid wholly by state funds or
 70-26 the district attorney's assistants, investigators, or other
 70-27 employees;
- 70-28 (4) a county auditor, county purchasing agent, or the
 70-29 auditor's or purchasing agent's assistants or other employees; or
- 70-30 (5) a person employed under Section 76.004, Government
 70-31 Code [~~10, Article 42.12, Code of Criminal Procedure~~].

70-32 SECTION 2.77. Section 157.002(a), Local Government Code, is
 70-33 amended to read as follows:

70-34 (a) The commissioners court by rule may provide for medical
 70-35 care and hospitalization and may provide for compensation,
 70-36 accident, hospital, and disability insurance for the following
 70-37 persons if their salaries are paid from the funds of the county or
 70-38 funds of a flood control district located entirely in the county, or
 70-39 funds of a hospital district described by Section 281.0475, Health
 70-40 and Safety Code, located entirely in the county, or if they are
 70-41 employees of another governmental entity for which the county is
 70-42 obligated to provide benefits:

- 70-43 (1) deputies, assistants, and other employees of the
 70-44 county, or of the flood control district, or of the hospital
 70-45 district, who work under the commissioners court or its appointees;
- 70-46 (2) county and district officers and their deputies
 70-47 and assistants appointed under Subchapter A, Chapter 151;
- 70-48 (3) employees appointed under Section 76.004(b),
 70-49 Government Code [~~10(a), Article 42.12, Code of Criminal Procedure~~];
- 70-50 (4) any retired person formerly holding any status
 70-51 listed above; and
- 70-52 (5) the dependents of any person listed above.

70-53 SECTION 2.78. Section 352.082(d), Local Government Code, is
 70-54 amended to read as follows:

70-55 (d) An offense under this section is a Class C misdemeanor.
 70-56 On conviction of an offense under this section, the court shall
 70-57 require the defendant, in addition to any fine, to perform
 70-58 community service as provided by Article 42A.304(e) [~~Section 16(e),~~
 70-59 ~~Article 42.12~~], Code of Criminal Procedure.

70-60 SECTION 2.79. Section 53.021(a), Occupations Code, is
 70-61 amended to read as follows:

70-62 (a) A licensing authority may suspend or revoke a license,
 70-63 disqualify a person from receiving a license, or deny to a person
 70-64 the opportunity to take a licensing examination on the grounds that
 70-65 the person has been convicted of:

- 70-66 (1) an offense that directly relates to the duties and
 70-67 responsibilities of the licensed occupation;
- 70-68 (2) an offense that does not directly relate to the
 70-69 duties and responsibilities of the licensed occupation and that was

71-1 committed less than five years before the date the person applies
71-2 for the license;

71-3 (3) an offense listed in Article 42A.054 [~~Section 3g,~~
71-4 ~~Article 42.12~~], Code of Criminal Procedure; or

71-5 (4) a sexually violent offense, as defined by Article
71-6 62.001, Code of Criminal Procedure.

71-7 SECTION 2.80. Section 109.001(3), Occupations Code, is
71-8 amended to read as follows:

71-9 (3) "Sex offender" has the meaning assigned by Article
71-10 42A.251(2) [~~Section 9(m), Article 42.12~~], Code of Criminal
71-11 Procedure.

71-12 SECTION 2.81. Section 12.35(c), Penal Code, is amended to
71-13 read as follows:

71-14 (c) An individual adjudged guilty of a state jail felony
71-15 shall be punished for a third degree felony if it is shown on the
71-16 trial of the offense that:

71-17 (1) a deadly weapon as defined by Section 1.07 was used
71-18 or exhibited during the commission of the offense or during
71-19 immediate flight following the commission of the offense, and that
71-20 the individual used or exhibited the deadly weapon or was a party to
71-21 the offense and knew that a deadly weapon would be used or
71-22 exhibited; or

71-23 (2) the individual has previously been finally
71-24 convicted of any felony:

71-25 (A) under Section 20A.03 or 21.02 or listed in
71-26 Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of
71-27 Criminal Procedure; or

71-28 (B) for which the judgment contains an
71-29 affirmative finding under Article 42A.054(c) or (d) [~~Section~~
71-30 ~~3g(a)(2), Article 42.12~~], Code of Criminal Procedure.

71-31 SECTION 2.82. Section 12.42(h), Penal Code, is amended to
71-32 read as follows:

71-33 (h) In this section, "sexually violent offense" means an
71-34 offense:

71-35 (1) described by Article 62.001(6), Code of Criminal
71-36 Procedure; and

71-37 (2) for which an affirmative finding has been entered
71-38 under Article 42.015(b) or 42A.105(a) [~~Section 5(c)(2), Article~~
71-39 ~~42.12~~], Code of Criminal Procedure, for an offense other than an
71-40 offense under Section 21.02 or 22.021.

71-41 SECTION 2.83. Section 15.031(a), Penal Code, is amended to
71-42 read as follows:

71-43 (a) A person commits an offense if, with intent that an
71-44 offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~
71-45 ~~42.12~~], Code of Criminal Procedure, be committed, the person
71-46 requests, commands, or attempts to induce a minor to engage in
71-47 specific conduct that, under the circumstances surrounding the
71-48 actor's conduct as the actor believes them to be, would constitute
71-49 an offense listed by Article 42A.054(a) [~~Section 3g(a)(1), Article~~
71-50 ~~42.12~~] or make the minor a party to the commission of an offense
71-51 listed by Article 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~].

71-52 SECTION 2.84. Section 49.09(h), Penal Code, is amended to
71-53 read as follows:

71-54 (h) This subsection applies only to a person convicted of a
71-55 second or subsequent offense relating to the operating of a motor
71-56 vehicle while intoxicated committed within five years of the date
71-57 on which the most recent preceding offense was committed. The court
71-58 shall enter an order that requires the defendant to have a device
71-59 installed, on each motor vehicle owned or operated by the
71-60 defendant, that uses a deep-lung breath analysis mechanism to make
71-61 impractical the operation of the motor vehicle if ethyl alcohol is
71-62 detected in the breath of the operator, and that requires that
71-63 before the first anniversary of the ending date of the period of
71-64 license suspension under Section 521.344, Transportation Code, the
71-65 defendant not operate any motor vehicle that is not equipped with
71-66 that device. The court shall require the defendant to obtain the
71-67 device at the defendant's own cost on or before that ending date,
71-68 require the defendant to provide evidence to the court on or before
71-69 that ending date that the device has been installed on each

72-1 appropriate vehicle, and order the device to remain installed on
 72-2 each vehicle until the first anniversary of that ending date. If
 72-3 the court determines the offender is unable to pay for the device,
 72-4 the court may impose a reasonable payment schedule not to extend
 72-5 beyond the first anniversary of the date of installation. The
 72-6 Department of Public Safety shall approve devices for use under
 72-7 this subsection. Section 521.247, Transportation Code, applies to
 72-8 the approval of a device under this subsection and the consequences
 72-9 of that approval. Failure to comply with an order entered under
 72-10 this subsection is punishable by contempt. For the purpose of
 72-11 enforcing this subsection, the court that enters an order under
 72-12 this subsection retains jurisdiction over the defendant until the
 72-13 date on which the device is no longer required to remain installed.
 72-14 To the extent of a conflict between this subsection and Article
 72-15 42A.408 [~~Section 13(i), Article 42.12~~], Code of Criminal Procedure,
 72-16 this subsection controls.

72-17 SECTION 2.85. Section 71.023(a), Penal Code, is amended to
 72-18 read as follows:

72-19 (a) A person commits an offense if the person, as part of the
 72-20 identifiable leadership of a criminal street gang, knowingly
 72-21 finances, directs, or supervises the commission of, or a conspiracy
 72-22 to commit, one or more of the following offenses by members of a
 72-23 criminal street gang:

72-24 (1) a felony offense that is listed in Article
 72-25 42A.054(a) [~~Section 3g(a)(1), Article 42.12~~], Code of Criminal
 72-26 Procedure;

72-27 (2) a felony offense for which it is shown that a
 72-28 deadly weapon, as defined by Section 1.07, was used or exhibited
 72-29 during the commission of the offense or during immediate flight
 72-30 from the commission of the offense; or

72-31 (3) an offense that is punishable under Section
 72-32 481.112(e), 481.112(f), 481.1121(b)(4), 481.115(f), or
 72-33 481.120(b)(6), Health and Safety Code.

72-34 SECTION 2.86. Section 521.245(b), Transportation Code, is
 72-35 amended to read as follows:

72-36 (b) The program required under Subsection (a) may not be the
 72-37 program provided by Section 521.344 or by Article 42A.403 or
 72-38 42A.404 [~~Section 13, Article 42.12~~], Code of Criminal Procedure.

72-39 SECTION 2.87. Section 521.320(f), Transportation Code, is
 72-40 amended to read as follows:

72-41 (f) For the purposes of this section, a person is convicted
 72-42 of an offense regardless of whether sentence is imposed or the
 72-43 person is placed on community supervision for the offense under
 72-44 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure.

72-45 SECTION 2.88. Section 521.342(b), Transportation Code, is
 72-46 amended to read as follows:

72-47 (b) The department shall suspend for one year the license of
 72-48 a person who is under 21 years of age and is convicted of an offense
 72-49 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,
 72-50 regardless of whether the person is required to attend an
 72-51 educational program under Article 42A.403 [~~Section 13(h), Article~~
 72-52 ~~42.12~~], Code of Criminal Procedure, that is designed to
 72-53 rehabilitate persons who have operated motor vehicles while
 72-54 intoxicated, unless the person is placed under community
 72-55 supervision under Chapter 42A, Code of Criminal Procedure, [~~that~~
 72-56 ~~article~~] and is required as a condition of the community
 72-57 supervision to not operate a motor vehicle unless the vehicle is
 72-58 equipped with the device described by Article 42A.408 [~~Section~~
 72-59 ~~13(i)~~] of that chapter [~~article~~]. If the person is required to
 72-60 attend such a program and does not complete the program before the
 72-61 end of the person's suspension, the department shall suspend the
 72-62 person's license or continue the suspension, as appropriate, until
 72-63 the department receives proof that the person has successfully
 72-64 completed the program. On the person's successful completion of
 72-65 the program, the person's instructor shall give notice to the
 72-66 department and to the community supervision and corrections
 72-67 department in the manner provided by Article 42A.406(b) [~~Section~~
 72-68 ~~13(h), Article 42.12~~], Code of Criminal Procedure.

72-69 SECTION 2.89. Sections 521.344(d), (f), and (i),

73-1 Transportation Code, are amended to read as follows:

73-2 (d) Except as provided by Subsection (e) and Section
73-3 521.342(b), during a period of probation the department may not
73-4 revoke the person's license if the person is required under Article
73-5 42A.403 or 42A.404 [~~Section 13(h) or (j), Article 42.12~~], Code of
73-6 Criminal Procedure, to successfully complete an educational
73-7 program designed to rehabilitate persons who have operated motor
73-8 vehicles while intoxicated, unless the person was punished under
73-9 Section 49.09(a) or (b), Penal Code, and was subject to Section
73-10 49.09(h) of that code. The department may not revoke the license of
73-11 a person:

73-12 (1) for whom the jury has recommended that the license
73-13 not be revoked under Article 42A.407(a) [~~Section 13(g), Article~~
73-14 ~~42.12~~], Code of Criminal Procedure; or

73-15 (2) who is placed under community supervision under
73-16 Chapter 42A, Code of Criminal Procedure, [~~that article~~] and is
73-17 required as a condition of community supervision to not operate a
73-18 motor vehicle unless the vehicle is equipped with the device
73-19 described by Article 42A.408 [~~Section 13(i)~~] of that chapter
73-20 [~~article~~], unless the person was punished under Section 49.09(a) or
73-21 (b), Penal Code, and was subject to Section 49.09(g) of that code.

73-22 (f) After the date has passed, according to department
73-23 records, for successful completion of an educational program for
73-24 repeat offenders as required by Article 42A.404 [~~Section 13,~~
73-25 ~~Article 42.12~~], Code of Criminal Procedure, the director shall
73-26 suspend the license of a person who does not successfully complete
73-27 the program or, if the person is a resident without a license, shall
73-28 issue an order prohibiting the person from obtaining a license.

73-29 (i) On the date that a suspension order under Section
73-30 521.343(c) is to expire, the period of suspension or the
73-31 corresponding period in which the department is prohibited from
73-32 issuing a license is automatically increased to two years unless
73-33 the department receives notice of successful completion of the
73-34 educational program as required by Article 42A.406 [~~Section 13,~~
73-35 ~~Article 42.12~~], Code of Criminal Procedure. At the time a person is
73-36 convicted of an offense under Section 49.04 or 49.045, Penal Code,
73-37 the court shall warn the person of the effect of this subsection.
73-38 On the person's successful completion of the program, the person's
73-39 instructor shall give notice to the department and to the community
73-40 supervision and corrections department in the manner required by
73-41 Article 42A.406(b) [~~Section 13, Article 42.12~~], Code of Criminal
73-42 Procedure. If the department receives proof of completion after a
73-43 period has been extended under this subsection, the department
73-44 shall immediately end the suspension or prohibition.

73-45 SECTION 2.90. Section 521.350(d), Transportation Code, is
73-46 amended to read as follows:

73-47 (d) A person whose license is suspended under Subsection (a)
73-48 shall be required by the court in which the person was convicted to
73-49 perform at least 10 hours of community service as ordered by the
73-50 court. If the person is a resident of this state without a driver's
73-51 license to operate a motor vehicle, the court shall issue an order
73-52 prohibiting the department from issuing the person a driver's
73-53 license before the person completes the community service.
73-54 Community service required under this subsection is in addition to
73-55 any community service required of the person as a condition of
73-56 community supervision under Article 42A.304 [~~Section 16, Article~~
73-57 ~~42.12~~], Code of Criminal Procedure.

73-58 SECTION 2.91. Section 522.088, Transportation Code, is
73-59 amended to read as follows:

73-60 Sec. 522.088. APPLICABILITY OF OTHER LAW. Section 521.344
73-61 of this code and Subchapter I, Chapter 42A [~~Section 13, Article~~
73-62 ~~42.12~~], Code of Criminal Procedure, except Article 42A.409 of that
73-63 subchapter, do not apply to a person disqualified under this
73-64 chapter.

73-65 ARTICLE 3. REPEALER

73-66 SECTION 3.01. Article 42.12, Code of Criminal Procedure, is
73-67 repealed.

73-68 ARTICLE 4. GENERAL MATTERS

73-69 SECTION 4.01. This Act is enacted under Section 43, Article

74-1 III, Texas Constitution. This Act is intended as a codification
74-2 only, and no substantive change in the law is intended by this Act.
74-3 SECTION 4.02. This Act takes effect January 1, 2017.

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