

BILL ANALYSIS

C.S.H.B. 1505
By: Allen
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the prohibition against defendants placed on community supervision from interacting with others who have a criminal history is outdated, counterproductive, and counterintuitive as community and nonprofit support groups and court-ordered treatment programs are often organized, administered, and attended by individuals with criminal histories. C.S.H.B. 1505 seeks to address this issue by prohibiting as a condition of community supervision the prevention of such interaction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1505 amends the Code of Criminal Procedure to prohibit a judge who places a defendant on community supervision from prohibiting the defendant, as a condition of community supervision, from contacting or interacting with a person who belongs to an organization the membership of which includes persons who have criminal histories, including persons currently on community supervision or parole, and who engages in activities that the director of the community supervision and corrections department supervising the defendant determines, based on information provided by the organization's designated representative or other information, include working with community members to address criminal justice issues; offering training and programs to assist formerly incarcerated persons; and advocating for criminal justice reform, including by engaging with state and local policy makers or participating in a lawful manner in rallies, marches, or other public displays of organized activity. This prohibition applies with respect to a defendant placed on community supervision on or after the effective date of the bill, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1505 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter G, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.3015 to read as follows: Art. 42A.3015. PROHIBITING CONTACT WITH CERTAIN PERSONS. A judge who places a defendant on community supervision may not, as a condition of community supervision, prohibit the defendant from contacting or interacting with a person based solely on the person's criminal history.

SECTION 2. The change in law made by this Act applies to a defendant placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter G, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.3015 to read as follows: Art. 42A.3015. PROHIBITING CONTACT WITH CERTAIN PERSONS. A judge who places a defendant on community supervision may not, as a condition of community supervision, prohibit the defendant from contacting or interacting with a person who belongs to an organization the membership of which includes persons who have criminal histories, including persons currently on community supervision or parole, and who engages in activities that the director of the community supervision and corrections department supervising the defendant determines, based on information provided by the organization's designated representative or other information, include: (1) working with community members to address criminal justice issues; (2) offering training and programs to assist formerly incarcerated persons; and (3) advocating for criminal justice reform, including by: (A) engaging with state and local policy makers; or (B) participating in a lawful manner in rallies, marches, or other public displays of organized activity.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.