

## **BILL ANALYSIS**

C.S.H.B. 1507  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that some criminal justice officials in Texas lack general awareness of a judge's ability upon discharging a defendant from community supervision to grant an order releasing the person from all penalties and disabilities resulting from the conviction. C.S.H.B. 1507 seeks to address this issue by making the criminal justice community more aware of judicial clemency.

### **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. 1507 amends the Code of Criminal Procedure to include among the information about which a court is required to admonish a defendant before accepting a plea of guilty or a plea of nolo contendere the fact that if the defendant is placed on community supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the court is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by applicable law. This provision applies only to a plea of guilty or a plea of nolo contendere accepted by a court on or after January 1, 2018, regardless of whether the offense for which the plea was submitted was committed before, on, or after that date.

C.S.H.B. 1507 requires a judge placing a defendant on community supervision to inform the defendant in writing and on a form prescribed by the Office of Court Administration (OCA) that, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the judge is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by applicable law. This requirement applies only to a defendant placed on community supervision on or after January 1, 2018, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after that date. The bill requires OCA to adopt the required form not later than December 1, 2017.

C.S.H.B. 1507 requires OCA, not later than December 1, 2017, to adopt a standardized form for use in discharging a defendant from a period of community supervision. The bill requires a judge discharging a defendant to use the form and requires the form to provide for the judge to discharge the defendant. The bill also requires the form to provide for the judge to discharge the

defendant, set aside the verdict or permit the defendant to withdraw the defendant's plea, and dismiss the accusation, complaint, information, or indictment against the defendant and requires the form to state that a defendant who receives such a discharge is released from the penalties and disabilities resulting from the offense as provided by applicable law. These provisions apply only to a discharge from community supervision that occurs on or after January 1, 2018.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1507 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. Article 26.13(a), Code of Criminal Procedure, is amended.

No equivalent provision.

SECTION 2. Article 42A.701, Code of Criminal Procedure, is amended.

SECTION 3. (a) Not later than December 1, 2017, the Office of Court Administration of the Texas Judicial System shall adopt the **form** required by Article 42A.701(f-1), Code of Criminal Procedure, as added by this Act.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subchapter B, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.058 to read as follows:  
Art. 42A.058. INFORMATION PROVIDED TO DEFENDANT PLACED ON COMMUNITY SUPERVISION. A judge placing a defendant on community supervision shall inform the defendant in writing and on a form prescribed by the Office of Court Administration of the Texas Judicial System that, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the judge is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by Article 42A.701(f).

SECTION 3. Same as introduced version.

SECTION 4. (a) Not later than December 1, 2017, the Office of Court Administration of the Texas Judicial System shall adopt the **forms** required by Articles 42A.058 and 42A.701(f-1), Code of Criminal Procedure, as added by this Act.

(b) Article 26.13(a), Code of Criminal Procedure, as amended by this Act, applies only to a plea of guilty or a plea of nolo contendere accepted by a court on or after

(b) Articles 42A.701(f-1) and (f-2), Code of Criminal Procedure, as added by this Act, apply only to a discharge from community supervision that occurs on or after January 1, 2018. A discharge from community supervision that occurs before January 1, 2018, is governed by the law in effect on the date the discharge occurs, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

January 1, 2018, regardless of whether the offense for which the plea was submitted was committed before, on, or after that date.

(c) Article 42A.058, Code of Criminal Procedure, as added by this Act, applies only to a defendant placed on community supervision on or after January 1, 2018, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after that date.

(d) Articles 42A.701(f-1) and (f-2), Code of Criminal Procedure, as added by this Act, apply only to a discharge from community supervision that occurs on or after January 1, 2018. A discharge from community supervision that occurs before January 1, 2018, is governed by the law in effect on the date the discharge occurs, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.