

By: Rose

H.B. No. 1287

A BILL TO BE ENTITLED

AN ACT

relating to the electronic monitoring of certain defendants as an alternative to confinement.

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

SECTION 1. Article 42.035(a), Code of Criminal Procedure, is amended to read as follows:

(a) A court may require a defendant to serve all or part of a sentence of confinement in county jail by participating in an electronic monitoring program rather than being confined in the county jail, if the program:

(1) is operated by a community supervision and corrections department that serves the county in which the court is located and has been approved by the community justice assistance division of the Texas Department of Criminal Justice; or

(2) is operated by the commissioners court of the county, or by a private vendor under contract with the commissioners court, under Section 351.904, Local Government Code ~~[, if the defendant has not been placed on community supervision]~~.

SECTION 2. Article 42.035(a), Code of Criminal Procedure, as amended by this Act, applies only to a defendant who is sentenced to a term of confinement in county jail for an offense committed on or after the effective date of this Act. A defendant who is sentenced to a term of confinement in county jail for an offense committed before the effective date of this Act is governed by the

1 law in effect on the date the offense was committed, and the former
2 law is continued in effect for that purpose. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense occurred before that date.

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