

By: Rose

H.B. No. 1287

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic monitoring of certain defendants as an
3 alternative to confinement.

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

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

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

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

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

19 SECTION 2. Article 42.035(a), Code of Criminal Procedure,
20 as amended by this Act, applies only to a defendant who is sentenced
21 to a term of confinement in county jail for an offense committed on
22 or after the effective date of this Act. A defendant who is
23 sentenced to a term of confinement in county jail for an offense
24 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.