

By: Giddings

H.B. No. 1507

A BILL TO BE ENTITLED

AN ACT

relating to the rights of certain defendants who successfully complete a term of community supervision.

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

SECTION 1. Article 26.13(a), Code of Criminal Procedure, is amended to read as follows:

(a) Prior to accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant of:

(1) the range of the punishment attached to the offense;

(2) the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of a plea bargain agreement between the state and the defendant and, if an agreement exists, the court shall inform the defendant whether it will follow or reject the agreement in open court and before any finding on the plea. Should the court reject the agreement, the defendant shall be permitted to withdraw the defendant's plea of guilty or nolo contendere;

(3) the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's attorney, the trial court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case except for those

1 matters raised by written motions filed prior to trial;

2 (4) the fact that if the defendant is not a citizen of
3 the United States of America, a plea of guilty or nolo contendere
4 for the offense charged may result in deportation, the exclusion
5 from admission to this country, or the denial of naturalization
6 under federal law; ~~and~~

7 (5) the fact that the defendant will be required to
8 meet the registration requirements of Chapter 62, if the defendant
9 is convicted of or placed on deferred adjudication for an offense
10 for which a person is subject to registration under that chapter;
11 and

12 (6) the fact that if the defendant is placed on
13 community supervision, after satisfactorily fulfilling the
14 conditions of community supervision and on expiration of the period
15 of community supervision, the court is authorized to release the
16 defendant from the penalties and disabilities resulting from the
17 offense as provided by Article 42A.701(f).

18 SECTION 2. Article 42A.701, Code of Criminal Procedure, is
19 amended by adding Subsections (f-1) and (f-2) to read as follows:

20 (f-1) The Office of Court Administration of the Texas
21 Judicial System shall adopt a standardized form for use in
22 discharging a defendant under this article. A judge discharging a
23 defendant under this article must use the form adopted under this
24 subsection. The form must provide for the judge to:

25 (1) discharge the defendant; or
26 (2) discharge the defendant, set aside the verdict or
27 permit the defendant to withdraw the defendant's plea, and dismiss

1 the accusation, complaint, information, or indictment against the
2 defendant.

3 (f-2) The form adopted under Subsection (f-1) must state
4 that a defendant who receives a discharge described by Subsection
5 (f-1)(2) is released from the penalties and disabilities resulting
6 from the offense as provided by Subsection (f).

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

11 (b) Articles 42A.701(f-1) and (f-2), Code of Criminal
12 Procedure, as added by this Act, apply only to a discharge from
13 community supervision that occurs on or after January 1, 2018. A
14 discharge from community supervision that occurs before January 1,
15 2018, is governed by the law in effect on the date the discharge
16 occurs, and the former law is continued in effect for that purpose.

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