

By: Canales

H.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the rights of certain defendants who successfully
3 complete a term of community supervision.

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

5 SECTION 1. Article 42A.701, Code of Criminal Procedure, is
6 amended by amending Subsection (f) and adding Subsection (f-1) to
7 read as follows:

8 (f) If the judge discharges the defendant under this
9 article, the judge may set aside the verdict or permit the defendant
10 to withdraw the defendant's plea. A judge acting under this
11 subsection shall dismiss the accusation, complaint, information,
12 or indictment against the defendant. A defendant who receives a
13 discharge and dismissal under this subsection is released from all
14 penalties and disabilities resulting from the offense of which the
15 defendant has been convicted or to which the defendant has pleaded
16 guilty, except that:

17 (1) proof of the conviction or plea of guilty shall be
18 made known to the judge if the defendant is convicted of any
19 subsequent offense; ~~and~~

20 (2) if the defendant is an applicant for or the holder
21 of a license under Chapter 42, Human Resources Code, the Department
22 of Family and Protective Services may consider the fact that the
23 defendant previously has received community supervision under this
24 chapter in issuing, renewing, denying, or revoking a license under

1 Chapter 42, Human Resources Code; and

2 (3) if the defendant receives the discharge and
3 dismissal with respect to an offense under Title 5, Penal Code, the
4 defendant is released from a penalty or disability resulting from
5 the offense and relating to the possession or ownership of a firearm
6 only if the judge specifically provides for that release in the
7 order discharging the defendant.

8 (f-1) The jurisdiction of the judge to take action under
9 Subsection (f) continues until the defendant is pardoned.

10 SECTION 2. (a) Except as provided by Subsection (b) of this
11 section, the change in law made by this Act applies only to a
12 defendant placed on community supervision on or after the effective
13 date of this Act, regardless of whether the offense for which the
14 defendant was placed on community supervision was committed before,
15 on, or after the effective date of this Act.

16 (b) Article 42A.701(f-1), Code of Criminal Procedure, as
17 added by this Act, applies to any defendant placed on community
18 supervision, regardless of whether the defendant was placed on
19 community supervision before, on, or after the effective date of
20 this Act.

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