

By: Allen

H.B. No. 2883

Substitute the following for H.B. No. 2883:

By: Romero, Jr.

C.S.H.B. No. 2883

A BILL TO BE ENTITLED

AN ACT

relating to the conditions of community supervision.

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

SECTION 1. Article 42A.301, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. (a) The judge of the court having jurisdiction of the case shall determine the conditions of community supervision based on the results of a risk and needs assessment conducted with respect to the defendant. The assessment must be conducted using an instrument that is validated for the purpose of assessing the risks and needs of a defendant placed on community supervision. The judge may impose any reasonable condition that is not duplicative of another condition and that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. In determining the conditions, the judge shall consider the extent to which the conditions impact the defendant's:

(1) work, education, and community service schedule or obligations; and

(2) ability to meet financial obligations.

(b) Conditions of community supervision may include conditions requiring the defendant to:

(1) commit no offense against the laws of this state or of any other state or of the United States;

- 1 (2) avoid injurious or vicious habits;
- 2 (3) avoid persons or places of disreputable or harmful
3 character, including any person, other than a family member of the
4 defendant, who is an active member of a criminal street gang;
- 5 (4) report to the supervision officer as directed by
6 the judge or supervision officer and obey all rules and regulations
7 of the community supervision and corrections department;
- 8 (5) permit the supervision officer to visit the
9 defendant at the defendant's home or elsewhere;
- 10 (6) work faithfully at suitable employment to the
11 extent possible;
- 12 (7) remain within a specified place;
- 13 (8) pay in one or more amounts:
 - 14 (A) the defendant's fine, if one is assessed; and
 - 15 (B) all court costs, regardless of whether a fine
16 is assessed;
- 17 (9) support the defendant's dependents;
- 18 (10) participate, for a period specified by the judge,
19 in any community-based program, including a community service
20 project under Article [42A.304](#);
- 21 (11) reimburse the county in which the prosecution was
22 instituted as follows:
 - 23 (A) if counsel was appointed, an amount for
24 compensation paid to appointed counsel for defending the defendant
25 in the case; or
 - 26 (B) if the defendant was represented by a public
27 defender's office, an amount that would have been paid to an

1 appointed attorney had the county not had a public defender's
2 office;

3 (12) if under custodial supervision in a community
4 corrections facility:

5 (A) remain under that supervision;

6 (B) obey all rules and regulations of the
7 facility; and

8 (C) pay a percentage of the defendant's income
9 to:

10 (i) the facility for room and board; and

11 (ii) the defendant's dependents for their
12 support during the period of custodial supervision;

13 (13) submit to testing for alcohol or controlled
14 substances;

15 (14) attend counseling sessions for substance abusers
16 or participate in substance abuse treatment services in a program
17 or facility approved or licensed by the Department of State Health
18 Services;

19 (15) with the consent of the victim of a misdemeanor
20 offense or of any offense under Title 7, Penal Code, participate in
21 victim-defendant mediation;

22 (16) submit to electronic monitoring;

23 (17) reimburse the compensation to victims of crime
24 fund for any amounts paid from that fund to or on behalf of a victim,
25 as defined by Article 56.32, of the offense or if no reimbursement
26 is required, make one payment to the compensation to victims of
27 crime fund in an amount not to exceed \$50 if the offense is a

1 misdemeanor or not to exceed \$100 if the offense is a felony;

2 (18) reimburse a law enforcement agency for the
3 analysis, storage, or disposal of raw materials, controlled
4 substances, chemical precursors, drug paraphernalia, or other
5 materials seized in connection with the offense;

6 (19) pay all or part of the reasonable and necessary
7 costs incurred by the victim for psychological counseling made
8 necessary by the offense or for counseling and education relating
9 to acquired immune deficiency syndrome or human immunodeficiency
10 virus made necessary by the offense;

11 (20) make one payment in an amount not to exceed \$50 to
12 a crime stoppers organization, as defined by Section 414.001,
13 Government Code, and as certified by the Texas Crime Stoppers
14 Council;

15 (21) submit a DNA sample to the Department of Public
16 Safety under Subchapter G, Chapter 411, Government Code, for the
17 purpose of creating a DNA record of the defendant;

18 (22) in any manner required by the judge, provide in
19 the county in which the offense was committed public notice of the
20 offense for which the defendant was placed on community
21 supervision; and

22 (23) reimburse the county in which the prosecution was
23 instituted for compensation paid to any interpreter in the case.

24 (c) Before the judge may require as a condition of community
25 supervision that the defendant receive treatment in a state-funded
26 substance abuse treatment program, including an inpatient or
27 outpatient program, a substance abuse felony program under Article

1 42A.303, or a program provided to the defendant while confined in a
2 community corrections facility as defined by Article 42A.601, the
3 judge must consider the results of an evaluation conducted to
4 determine the appropriate type and level of treatment necessary to
5 address the defendant's alcohol or drug dependency.

6 SECTION 2. The change in law made by this Act applies to a
7 defendant placed on community supervision on or after the effective
8 date of this Act, regardless of whether the offense for which the
9 defendant was placed on community supervision was committed before,
10 on, or after the effective date of this Act.

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