

By: Allen

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:

(1) may only impose the least restrictive condition necessary to achieve the purpose for which the condition is imposed; and

(2) shall consider the extent to which the conditions impact the defendant's:

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

(B) ability to meet financial obligations.

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

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

5                   (2) avoid injurious or vicious habits;

6                   (3) avoid persons or places of disreputable or harmful  
7 character, including any person, other than a family member of the  
8 defendant, who is an active member of a criminal street gang;

9                   (4) report to the supervision officer as directed by  
10 the judge or supervision officer and obey all rules and regulations  
11 of the community supervision and corrections department;

12                   (5) permit the supervision officer to visit the  
13 defendant at the defendant's home or elsewhere;

14                   (6) work faithfully at suitable employment to the  
15 extent possible;

16                   (7) remain within a specified place;

17                   (8) pay in one or more amounts:

18                               (A) the defendant's fine, if one is assessed; and

19                               (B) all court costs, regardless of whether a fine  
20 is assessed;

21                   (9) support the defendant's dependents;

22                   (10) participate, for a period specified by the judge,  
23 in any community-based program, including a community service  
24 project under Article [42A.304](#);

25                   (11) reimburse the county in which the prosecution was  
26 instituted as follows:

27                               (A) if counsel was appointed, an amount for

1 compensation paid to appointed counsel for defending the defendant  
2 in the case; or

3 (B) if the defendant was represented by a public  
4 defender's office, an amount that would have been paid to an  
5 appointed attorney had the county not had a public defender's  
6 office;

7 (12) if under custodial supervision in a community  
8 corrections facility:

9 (A) remain under that supervision;

10 (B) obey all rules and regulations of the  
11 facility; and

12 (C) pay a percentage of the defendant's income  
13 to:

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

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

17 (13) submit to testing for alcohol or controlled  
18 substances if the defendant's risk and needs assessment indicated  
19 that the use of alcohol or a controlled substance:

20 (A) contributed to the commission of the offense;

21 or

22 (B) would increase the likelihood that the  
23 defendant will commit another offense;

24 (14) attend counseling sessions for substance abusers  
25 or participate in substance abuse treatment services in a program  
26 or facility approved or licensed by the Department of State Health  
27 Services;

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

4           (16) submit to electronic monitoring;

5           (17) reimburse the compensation to victims of crime  
6 fund for any amounts paid from that fund to or on behalf of a victim,  
7 as defined by Article 56.32, of the offense or if no reimbursement  
8 is required, make one payment to the compensation to victims of  
9 crime fund in an amount not to exceed \$50 if the offense is a  
10 misdemeanor or not to exceed \$100 if the offense is a felony;

11          (18) reimburse a law enforcement agency for the  
12 analysis, storage, or disposal of raw materials, controlled  
13 substances, chemical precursors, drug paraphernalia, or other  
14 materials seized in connection with the offense;

15          (19) pay all or part of the reasonable and necessary  
16 costs incurred by the victim for psychological counseling made  
17 necessary by the offense or for counseling and education relating  
18 to acquired immune deficiency syndrome or human immunodeficiency  
19 virus made necessary by the offense;

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

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

27          (22) in any manner required by the judge, provide in

1 the county in which the offense was committed public notice of the  
2 offense for which the defendant was placed on community  
3 supervision; and

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

6 (c) In imposing the conditions of community supervision,  
7 the judge may not order the defendant to pay any amount, including  
8 an amount to reimburse any cost, unless the judge determines that  
9 the defendant is financially able to pay the amount.

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

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