

By: White

H.B. No. 3289

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for certain technical violations of community supervision.

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

SECTION 1. Subchapter P, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.7555 to read as follows:

Art. 42A.7555. PROCEDURES FOR CERTAIN TECHNICAL VIOLATIONS. (a) This article applies to any violation of a condition of community supervision other than:

(1) a violation committed by a defendant whose community supervision has previously been revoked after a hearing under Article 42A.751(d); or

(2) a violation committed by a defendant who, in the 10 years preceding the date of the violation, was convicted of a felony offense listed in Article 42A.054, Code of Criminal Procedure or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure; or

(3) a violation that involves:

(A) being arrested for, charged with, or convicted of an offense:

(i) an offense punishable as a felony;

(ii) an offense against a person, as defined by ~~under~~ Title 5, Penal Code, that is punishable as a

1 misdemeanor; or

2 (iii) an offense involving the possession  
3 of a firearm or any prohibited weapon; or

4 (B) contacting the victim of the offense for  
5 which the defendant was placed on community supervision; or

6 (C) a failure to report as directed to a  
7 supervision officer for 90 days or more in cases where a supervision  
8 officer, peace officer, or other officer attempted to contact the  
9 defendant in person at the defendant's last known resident address  
10 or last known employment address; or

11 (D) leaving the state without permission.

12 (b) Notwithstanding any other provision of this chapter, if  
13 after a hearing under Article 42A.751(d) the judge determines the  
14 defendant violated a condition or conditions of community  
15 supervision to which this article applies, the judge may not revoke  
16 the defendant's community supervision but may continue, extend, or  
17 modify the community supervision. If the judge requires the  
18 defendant to serve a term of confinement based on a violation to  
19 which this article applies, the term may not exceed 90 days unless  
20 the judge orders the defendant to be placed in a community  
21 corrections facility, as defined by Section 509.001, Government  
22 Code or an Intermediate Sanction Facility or Substance Abuse Felony  
23 Punishment Facility operated by the Department of Criminal Justice.  
24 The judge may impose any other conditions the judge determines are  
25 appropriate to be effective after the defendant completes the term  
26 of confinement.

27 SECTION 23. This Act takes effect September 1, 2017.