

By: Cook

H.B. No. 3790

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a judge regarding a defendant who has been discharged from community supervision.

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

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

(f) If the judge discharges the defendant under this article, the judge:

(1) except as provided by Subdivision (2), shall set aside the verdict or permit the defendant to withdraw the defendant's plea; and

(2) may set aside the verdict or permit the defendant to withdraw the defendant's plea if the discharge occurs with respect to an offense under Title 5, Penal Code.

(f-1) A judge acting under Subsection (f) ~~[this subsection]~~ shall dismiss the accusation, complaint, information, or indictment against the defendant. A defendant who receives a discharge and dismissal under Subsection (f) and this subsection is released from all penalties and disabilities resulting from the offense of which the defendant has been convicted or to which the defendant has pleaded guilty, except that:

(1) proof of the conviction or plea of guilty shall be made known to the judge if the defendant is convicted of any

1 subsequent offense; and

2 (2) if the defendant is an applicant for or the holder
3 of a license under Chapter 42, Human Resources Code, the Department
4 of Family and Protective Services may consider the fact that the
5 defendant previously has received community supervision under this
6 chapter in issuing, renewing, denying, or revoking a license under
7 Chapter 42, Human Resources Code.

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

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