

By: Whitmire
(White)

S.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

1
2 relating to confinement in a community corrections facility of a
3 defendant participating in a pretrial intervention program.

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

5 SECTION 1. Article 42A.602(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) If a judge requires as a condition of community
8 supervision or participation in a pretrial intervention program
9 operated under Section 76.011, Government Code, or a drug court
10 program established under Chapter 123, Government Code, or former
11 law that the defendant serve a term of confinement in a community
12 corrections facility, the term may not exceed 24 months.

13 SECTION 2. Article 42A.604(a), Code of Criminal Procedure,
14 is amended to read as follows:

15 (a) As directed by the judge, the community corrections
16 facility director shall file with the community supervision and
17 corrections department director or administrator of a drug court
18 program, as applicable, a copy of an evaluation made by the facility
19 director of the defendant's behavior and attitude at the facility.
20 The community supervision and corrections department director or
21 program administrator shall examine the evaluation, make written
22 comments on the evaluation that the director or administrator
23 considers relevant, and file the evaluation and comments with the
24 judge who granted community supervision to the defendant or placed

1 the defendant in a pretrial intervention program or drug court
2 program. If the evaluation indicates that the defendant has made
3 significant progress toward compliance with court-ordered
4 conditions of community supervision or objectives of placement in
5 the [~~drug court~~] program, as applicable, the judge may release the
6 defendant from the community corrections facility. A defendant who
7 served a term in the facility as a condition of community
8 supervision shall serve the remainder of the defendant's community
9 supervision under any terms and conditions the court imposes under
10 this chapter.

11 SECTION 3. Section 509.001(1), Government Code, is amended
12 to read as follows:

13 (1) "Community corrections facility" means a physical
14 structure, established by the judges described by Section 76.002
15 after authorization of the establishment of the structure has been
16 included in a department's strategic plan, that is operated by the
17 department or operated for the department by an entity under
18 contract with the department, for the purpose of treating persons
19 who have been placed on community supervision or who are
20 participating in a pretrial intervention program operated under
21 Section 76.011 or a drug court program established under Chapter
22 123 or former law and providing services and programs to modify
23 criminal behavior, deter criminal activity, protect the public, and
24 restore victims of crime. The term includes:

- 25 (A) a restitution center;
- 26 (B) a court residential treatment facility;
- 27 (C) a substance abuse treatment facility;

1 (D) a custody facility or boot camp;

2 (E) a facility for an offender with a mental
3 impairment, as defined by Section 614.001, Health and Safety Code;
4 and

5 (F) an intermediate sanction facility.

6 SECTION 4. The change in law made by this Act applies only
7 to a person placed in a pretrial intervention program operated
8 under Section 76.011, Government Code, for an offense committed on
9 or after the effective date of this Act. A person placed in a
10 pretrial intervention program operated under Section 76.011,
11 Government Code, for an offense committed before the effective date
12 of this Act is governed by the law in effect on the date the offense
13 was committed, and the former law is continued in effect for that
14 purpose. For purposes of this section, an offense was committed
15 before the effective date of this Act if any element of the offense
16 was committed before that date.

17 SECTION 5. This Act takes effect September 1, 2017.