

1-1 By: Whitmire S.B. No. 1399
 1-2 (In the Senate - Filed March 7, 2017; March 16, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 24, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 24, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1399 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to confinement in a community corrections facility of a
 1-22 defendant participating in a pretrial intervention program.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 42A.602(a), Code of Criminal Procedure,
 1-25 is amended to read as follows:

1-26 (a) If a judge requires as a condition of community
 1-27 supervision or participation in a pretrial intervention program
 1-28 operated under Section 76.011, Government Code, or a drug court
 1-29 program established under Chapter 123, Government Code, or former
 1-30 law that the defendant serve a term of confinement in a community
 1-31 corrections facility, the term may not exceed 24 months.

1-32 SECTION 2. Article 42A.604(a), Code of Criminal Procedure,
 1-33 is amended to read as follows:

1-34 (a) As directed by the judge, the community corrections
 1-35 facility director shall file with the community supervision and
 1-36 corrections department director or administrator of a drug court
 1-37 program, as applicable, a copy of an evaluation made by the facility
 1-38 director of the defendant's behavior and attitude at the facility.
 1-39 The community supervision and corrections department director or
 1-40 program administrator shall examine the evaluation, make written
 1-41 comments on the evaluation that the director or administrator
 1-42 considers relevant, and file the evaluation and comments with the
 1-43 judge who granted community supervision to the defendant or placed
 1-44 the defendant in a pretrial intervention program or drug court
 1-45 program. If the evaluation indicates that the defendant has made
 1-46 significant progress toward compliance with court-ordered
 1-47 conditions of community supervision or objectives of placement in
 1-48 the [drug court] program, as applicable, the judge may release the
 1-49 defendant from the community corrections facility. A defendant who
 1-50 served a term in the facility as a condition of community
 1-51 supervision shall serve the remainder of the defendant's community
 1-52 supervision under any terms and conditions the court imposes under
 1-53 this chapter.

1-54 SECTION 3. Section 509.001(1), Government Code, is amended
 1-55 to read as follows:

1-56 (1) "Community corrections facility" means a physical
 1-57 structure, established by the judges described by Section 76.002
 1-58 after authorization of the establishment of the structure has been
 1-59 included in a department's strategic plan, that is operated by the
 1-60 department or operated for the department by an entity under

2-1 contract with the department, for the purpose of treating persons
2-2 who have been placed on community supervision or who are
2-3 participating in a pretrial intervention program operated under
2-4 Section 76.011 or a drug court program established under Chapter
2-5 123 or former law and providing services and programs to modify
2-6 criminal behavior, deter criminal activity, protect the public, and
2-7 restore victims of crime. The term includes:

- 2-8 (A) a restitution center;
- 2-9 (B) a court residential treatment facility;
- 2-10 (C) a substance abuse treatment facility;
- 2-11 (D) a custody facility or boot camp;
- 2-12 (E) a facility for an offender with a mental
2-13 impairment, as defined by Section 614.001, Health and Safety Code;
2-14 and
- 2-15 (F) an intermediate sanction facility.

2-16 SECTION 4. The change in law made by this Act applies only
2-17 to a person placed in a pretrial intervention program operated
2-18 under Section 76.011, Government Code, for an offense committed on
2-19 or after the effective date of this Act. A person placed in a
2-20 pretrial intervention program operated under Section 76.011,
2-21 Government Code, for an offense committed before the effective date
2-22 of this Act is governed by the law in effect on the date the offense
2-23 was committed, and the former law is continued in effect for that
2-24 purpose. For purposes of this section, an offense was committed
2-25 before the effective date of this Act if any element of the offense
2-26 was committed before that date.

2-27 SECTION 5. This Act takes effect September 1, 2017.

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