

1-1 By: Garcia S.B. No. 1584
 1-2 (In the Senate - Filed March 9, 2017; March 21, 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. 1584 By: Garcia

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

1-21 relating to the conditions of community supervision.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Article 42A.301, Code of Criminal Procedure, is
 1-24 amended to read as follows:
 1-25 Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. (a) The
 1-26 judge of the court having jurisdiction of the case shall determine
 1-27 the conditions of community supervision based on the results of a
 1-28 risk and needs assessment conducted with respect to the defendant.
 1-29 The assessment must be conducted using an instrument that is
 1-30 validated for the purpose of assessing the risks and needs of a
 1-31 defendant placed on community supervision. The judge may impose
 1-32 any reasonable condition that is not duplicative of another
 1-33 condition and that is designed to protect or restore the community,
 1-34 protect or restore the victim, or punish, rehabilitate, or reform
 1-35 the defendant. In determining the conditions, the judge shall
 1-36 consider the extent to which the conditions impact the defendant's:
 1-37 (1) work, education, and community service schedule or
 1-38 obligations; and
 1-39 (2) ability to meet financial obligations.
 1-40 (b) Conditions of community supervision may include
 1-41 conditions requiring the defendant to:
 1-42 (1) commit no offense against the laws of this state or
 1-43 of any other state or of the United States;
 1-44 (2) avoid injurious or vicious habits;
 1-45 (3) avoid persons or places of disreputable or harmful
 1-46 character, including any person, other than a family member of the
 1-47 defendant, who is an active member of a criminal street gang;
 1-48 (4) report to the supervision officer as directed by
 1-49 the judge or supervision officer and obey all rules and regulations
 1-50 of the community supervision and corrections department;
 1-51 (5) permit the supervision officer to visit the
 1-52 defendant at the defendant's home or elsewhere;
 1-53 (6) work faithfully at suitable employment to the
 1-54 extent possible;
 1-55 (7) remain within a specified place;
 1-56 (8) pay in one or more amounts:
 1-57 (A) the defendant's fine, if one is assessed; and
 1-58 (B) all court costs, regardless of whether a fine
 1-59 is assessed;
 1-60 (9) support the defendant's dependents;

2-1 (10) participate, for a period specified by the judge,
2-2 in any community-based program, including a community service
2-3 project under Article 42A.304;
2-4 (11) reimburse the county in which the prosecution was
2-5 instituted as follows:
2-6 (A) if counsel was appointed, an amount for
2-7 compensation paid to appointed counsel for defending the defendant
2-8 in the case; or
2-9 (B) if the defendant was represented by a public
2-10 defender's office, an amount that would have been paid to an
2-11 appointed attorney had the county not had a public defender's
2-12 office;
2-13 (12) if under custodial supervision in a community
2-14 corrections facility:
2-15 (A) remain under that supervision;
2-16 (B) obey all rules and regulations of the
2-17 facility; and
2-18 (C) pay a percentage of the defendant's income
2-19 to:
2-20 (i) the facility for room and board; and
2-21 (ii) the defendant's dependents for their
2-22 support during the period of custodial supervision;
2-23 (13) submit to testing for alcohol or controlled
2-24 substances;
2-25 (14) attend counseling sessions for substance abusers
2-26 or participate in substance abuse treatment services in a program
2-27 or facility approved or licensed by the Department of State Health
2-28 Services;
2-29 (15) with the consent of the victim of a misdemeanor
2-30 offense or of any offense under Title 7, Penal Code, participate in
2-31 victim-defendant mediation;
2-32 (16) submit to electronic monitoring;
2-33 (17) reimburse the compensation to victims of crime
2-34 fund for any amounts paid from that fund to or on behalf of a victim,
2-35 as defined by Article 56.32, of the offense or if no reimbursement
2-36 is required, make one payment to the compensation to victims of
2-37 crime fund in an amount not to exceed \$50 if the offense is a
2-38 misdemeanor or not to exceed \$100 if the offense is a felony;
2-39 (18) reimburse a law enforcement agency for the
2-40 analysis, storage, or disposal of raw materials, controlled
2-41 substances, chemical precursors, drug paraphernalia, or other
2-42 materials seized in connection with the offense;
2-43 (19) pay all or part of the reasonable and necessary
2-44 costs incurred by the victim for psychological counseling made
2-45 necessary by the offense or for counseling and education relating
2-46 to acquired immune deficiency syndrome or human immunodeficiency
2-47 virus made necessary by the offense;
2-48 (20) make one payment in an amount not to exceed \$50 to
2-49 a crime stoppers organization, as defined by Section 414.001,
2-50 Government Code, and as certified by the Texas Crime Stoppers
2-51 Council;
2-52 (21) submit a DNA sample to the Department of Public
2-53 Safety under Subchapter G, Chapter 411, Government Code, for the
2-54 purpose of creating a DNA record of the defendant;
2-55 (22) in any manner required by the judge, provide in
2-56 the county in which the offense was committed public notice of the
2-57 offense for which the defendant was placed on community
2-58 supervision; and
2-59 (23) reimburse the county in which the prosecution was
2-60 instituted for compensation paid to any interpreter in the case.
2-61 (c) Before the judge may require as a condition of community
2-62 supervision that the defendant receive treatment in a state-funded
2-63 substance abuse treatment program, including an inpatient or
2-64 outpatient program, a substance abuse felony program under Article
2-65 42A.303, or a program provided to the defendant while confined in a
2-66 community corrections facility as defined by Article 42A.601, the
2-67 judge must consider the results of an evaluation conducted to
2-68 determine the appropriate type and level of treatment necessary to
2-69 address the defendant's alcohol or drug dependency.

3-1 SECTION 2. The change in law made by this Act applies to a
3-2 defendant placed on community supervision on or after the effective
3-3 date of this Act, regardless of whether the offense for which the
3-4 defendant was placed on community supervision was committed before,
3-5 on, or after the effective date of this Act.

3-6 SECTION 3. This Act takes effect September 1, 2017.

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