

SENATE AMENDMENTS

2nd Printing

By: Giddings, Hernandez

H.B. No. 1507

A BILL TO BE ENTITLED

AN ACT

relating to the rights of certain defendants who successfully complete a term of community supervision.

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

SECTION 1. Article 26.13(a), Code of Criminal Procedure, is amended to read as follows:

(a) Prior to accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant of:

(1) the range of the punishment attached to the offense;

(2) the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of a plea bargain agreement between the state and the defendant and, if an agreement exists, the court shall inform the defendant whether it will follow or reject the agreement in open court and before any finding on the plea. Should the court reject the agreement, the defendant shall be permitted to withdraw the defendant's plea of guilty or nolo contendere;

(3) the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's attorney, the trial court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case except for those

1 matters raised by written motions filed prior to trial;

2 (4) the fact that if the defendant is not a citizen of
3 the United States of America, a plea of guilty or nolo contendere
4 for the offense charged may result in deportation, the exclusion
5 from admission to this country, or the denial of naturalization
6 under federal law; ~~and~~

7 (5) the fact that the defendant will be required to
8 meet the registration requirements of Chapter 62, if the defendant
9 is convicted of or placed on deferred adjudication for an offense
10 for which a person is subject to registration under that chapter;
11 and

12 (6) the fact that if the defendant is placed on
13 community supervision, after satisfactorily fulfilling the
14 conditions of community supervision and on expiration of the period
15 of community supervision, the court is authorized to release the
16 defendant from the penalties and disabilities resulting from the
17 offense as provided by Article 42A.701(f).

18 SECTION 2. Subchapter B, Chapter 42A, Code of Criminal
19 Procedure, is amended by adding Article 42A.058 to read as follows:

20 Art. 42A.058. INFORMATION PROVIDED TO DEFENDANT PLACED ON
21 COMMUNITY SUPERVISION. A judge placing a defendant on community
22 supervision shall inform the defendant in writing and on a form
23 prescribed by the Office of Court Administration of the Texas
24 Judicial System that, after satisfactorily fulfilling the
25 conditions of community supervision and on expiration of the period
26 of community supervision, the judge is authorized to release the
27 defendant from the penalties and disabilities resulting from the

1 offense as provided by Article 42A.701(f).

2 SECTION 3. Article 42A.701, Code of Criminal Procedure, is
3 amended by adding Subsections (f-1) and (f-2) to read as follows:

4 (f-1) The Office of Court Administration of the Texas
5 Judicial System shall adopt a standardized form for use in
6 discharging a defendant under this article. A judge discharging a
7 defendant under this article must use the form adopted under this
8 subsection. The form must provide for the judge to:

9 (1) discharge the defendant; or

10 (2) discharge the defendant, set aside the verdict or
11 permit the defendant to withdraw the defendant's plea, and dismiss
12 the accusation, complaint, information, or indictment against the
13 defendant.

14 (f-2) The form adopted under Subsection (f-1) must state
15 that a defendant who receives a discharge described by Subsection
16 (f-1)(2) is released from the penalties and disabilities resulting
17 from the offense as provided by Subsection (f).

18 SECTION 4. (a) Not later than December 1, 2017, the Office
19 of Court Administration of the Texas Judicial System shall adopt
20 the forms required by Articles 42A.058 and 42A.701(f-1), Code of
21 Criminal Procedure, as added by this Act.

22 (b) Article 26.13(a), Code of Criminal Procedure, as
23 amended by this Act, applies only to a plea of guilty or a plea of
24 nolo contendere accepted by a court on or after January 1, 2018,
25 regardless of whether the offense for which the plea was submitted
26 was committed before, on, or after that date.

27 (c) Article 42A.058, Code of Criminal Procedure, as added by

1 this Act, applies only to a defendant placed on community
2 supervision on or after January 1, 2018, regardless of whether the
3 offense for which the defendant was placed on community supervision
4 was committed before, on, or after that date.

5 (d) Articles 42A.701(f-1) and (f-2), Code of Criminal
6 Procedure, as added by this Act, apply only to a discharge from
7 community supervision that occurs on or after January 1, 2018. A
8 discharge from community supervision that occurs before January 1,
9 2018, is governed by the law in effect on the date the discharge
10 occurs, and the former law is continued in effect for that purpose.

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

ADOPTED

MAY 23 2017

Letay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Royce West*

1 Amend H.B. No. 1507 (senate committee report) in SECTION 1 of
2 the bill as follows:

3 (1) Strike the recital (page 1, lines 22 and 23), and
4 substitute the following:

5 Article 26.13, Code of Criminal Procedure, is amended by amending
6 Subsection (a) and adding Subsection (h-1) to read as follows:

7 (2) Following amended Article 26.13(a), Code of Criminal
8 Procedure (page 1, between lines 58 and 59), insert the following:

9 (h-1) The court must substantially comply with Subsection
10 (a)(6). The failure of the court to comply with Subsection (a)(6)
11 is not a ground for the defendant to set aside the conviction,
12 sentence, or plea.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1507 by Giddings (Relating to the rights of certain defendants who successfully complete a term of community supervision.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a court to notify a defendant that successful completion of community supervision may result in release from the penalties arising from the charged offense. The bill would require the Office of Court Administration (OCA) to adopt a standardized form for courts to use in discharging a defendant after completion of community supervision. OCA has indicated it could implement the provisions of the bill with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1507 by Giddings (Relating to the rights of certain defendants who successfully complete a term of community supervision.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a court to notify a defendant that successful completion of community supervision may result in release from the penalties arising from the charged offense. The bill would require the Office of Court Administration (OCA) to adopt a standardized form for courts to use in discharging a defendant after completion of community supervision. OCA has indicated it could implement the provisions of the bill with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 19, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1507 by Giddings (relating to the rights of certain defendants who successfully complete a term of community supervision.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a court to notify a defendant that successful completion of community supervision may result in release from the penalties arising from the charged offense. The bill would require the Office of Court Administration (OCA) to adopt a standardized form for courts to use in discharging a defendant after completion of community supervision. OCA has indicated it could implement the provisions of the bill with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 23, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1507 by Giddings (Relating to the rights of certain defendants who successfully complete a term of community supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a court to notify a defendant that successful completion of community supervision may result in release from the penalties arising from the charged offense. The bill would require the Office of Court Administration (OCA) to adopt a standardized form for courts to use in discharging a defendant after completion of community supervision. OCA has indicated it could implement the provisions of the bill with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, PBO