

## **BILL ANALYSIS**

C.S.H.B. 3303  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that when a person who is or is expected to be the sole caretaker of a child younger than 18 is incarcerated, the cascading negative effects accrue not only to that person's future but also to the child's future. There have been calls for special considerations to be made with regard to whether a defendant is a sole caretaker of a child when making determinations to modify the defendant's community supervision for a technical or nonviolent violation of community supervision. C.S.H.B. 3303 seeks to address this issue by requiring a court to make such a consideration when considering whether to revoke, continue, or modify the community supervision for these defendants under certain conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3303 amends the Code of Criminal Procedure to require a court, when considering whether to revoke, continue, or modify the community supervision of a defendant for a violation of a condition of community supervision other than a violation involving being arrested for, charged with, or convicted of an offense that is not a fine-only traffic offense, to take into consideration whether the defendant is the sole caretaker of a child. The bill requires the attorney representing the state to include in a motion to revoke, continue, or modify community supervision a statement from the defendant's supervision officer regarding whether the defendant is a sole caretaker of a child. The bill defines "sole caretaker of a child" as a person who has assumed or will soon assume sole responsibility for a dependent child younger than 18 years of age by providing for the child's needs, including housing, health care, financial support, education, family support, or safety.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3303 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision prohibiting a court from revoking the community supervision of a defendant who is the primary caretaker of a child or is pregnant. The substitute includes a provision requiring that a court instead consider whether a defendant is the sole caretaker of a child when considering whether to revoke, continue, or modify the defendant's community supervision for a violation of a condition of community supervision other than a violation involving an offense that is not a fine-only traffic offense.

The substitute includes a definition of "sole caretaker of a child."

The substitute includes a provision requiring the attorney representing the state to include in any motion to revoke, continue, or modify community supervision a statement regarding whether the defendant is a sole caretaker of a child.