

By: Sherman, Sr.

H.B. No. 3831

A BILL TO BE ENTITLED

AN ACT

relating to certain technical violations of conditions of community supervision.

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

SECTION 1. Subchapter P, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.7555 to read as follows:

Art. 42A.7555. PROCEDURES APPLICABLE TO CERTAIN TECHNICAL VIOLATIONS. (a) This article applies to any violation of a condition of community supervision other than:

(1) a violation committed by a defendant who:

(A) in the 10 years preceding the date of the violation, was convicted of:

(i) a felony offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d); or

(ii) a sexually violent offense as defined by Article 62.001; or

(B) has previously had the defendant's community supervision revoked after a hearing under Article 42A.751(d); or

(2) a violation that involves:

(A) being arrested for, charged with, or convicted of an offense:

(i) punishable as a felony;

1                    (ii) under Title 5, Penal Code, that is  
2 punishable as a misdemeanor; or

3                    (iii) involving the possession of a firearm  
4 or any prohibited weapon;

5                    (B) contacting the victim of the offense for  
6 which the defendant was placed on community supervision;

7                    (C) failing to report to a supervision officer as  
8 directed for 90 days or more if a supervision officer, peace  
9 officer, or other officer directed by the court attempted to  
10 contact the defendant in person at the defendant's last known  
11 residence or employment address; or

12                    (D) leaving the state without permission.

13                    (b) Notwithstanding any other provision of this chapter, if  
14 after a hearing under Article 42A.751(d) the judge determines the  
15 defendant violated only one or more conditions of community  
16 supervision to which this article applies, the judge may not revoke  
17 the defendant's community supervision but may continue, extend, or  
18 modify the community supervision. If, based on a violation to which  
19 this article applies, the judge requires the defendant to serve a  
20 term of confinement in a facility other than a community  
21 corrections facility as defined by Article 42A.601 or a substance  
22 abuse felony punishment facility operated by the Texas Department  
23 of Criminal Justice under Section 493.009, Government Code, the  
24 term of confinement may not exceed 90 days. The judge may impose  
25 any other conditions the judge determines are appropriate to be  
26 effective after the defendant completes the term of confinement.

27                    SECTION 2. Article 42A.7555, Code of Criminal Procedure, as

1 added by this Act, applies to a person on community supervision on  
2 or after the effective date of this Act, regardless of whether the  
3 person was placed on community supervision before, on, or after the  
4 effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2019.