

BILL ANALYSIS

Senate Research Center
87R14979 MCF-F

H.B. 787
By: Allen et al. (Miles)
Criminal Justice
5/14/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, judge-mandated community supervision conditions include conditions prohibiting a defendant's contact with certain persons of disreputable character. Interested parties contend that the prohibition against defendants placed on community supervision from interacting with others who have a criminal history is outdated, counterproductive, and counterintuitive as community and nonprofit support groups and court-ordered treatment programs are often organized, administered, and attended by individuals with criminal histories.

H.B. 787 maintains current statute that allows a judge to require a defendant to avoid persons of disreputable character, but clarifies that association does not include individuals associated with organizations engaged in addressing criminal justice issues, offering training or assistance programs for formerly incarcerated persons, or advocating for criminal justice reform.

H.B. 787 amends current law relating to conditions of community supervision prohibiting contact with certain persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.3015, as follows:

Art. 42A.3015. PROHIBITING CONTACT WITH CERTAIN PERSONS. Prohibits a judge who places a defendant on community supervision from, as a condition of community supervision, prohibiting the defendant from contacting or interacting with a person who belongs to an organization the membership of which includes persons who have criminal histories, including persons currently on community supervision or parole, and who engages in activities that the director of the community supervision and corrections department supervising the defendant determines, based on information provided by the organization's designated representative or other information, include:

- (1) working with community members to address criminal justice issues;
- (2) offering training and programs to assist formerly incarcerated persons; and
- (3) advocating for criminal justice reform, including by engaging with state and local policy makers.

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

SECTION 3. Effective date: September 1, 2021.