

BILL ANALYSIS

C.S.H.B. 787
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some conditions of community supervision imposed by a judge may prohibit defendants from contacting or interacting with certain individuals. It has been noted that the prohibition against defendants placed on community supervision from interacting with others who may have a criminal history is outdated, counterproductive, and counterintuitive, given that many community and nonprofit support groups and court-ordered treatment programs are often organized, administered, and attended by individuals with criminal histories. C.S.H.B. 787 seeks to address this issue by prohibiting conditions of community supervision from preventing contact with certain individuals.

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. 787 amends the Code of Criminal Procedure to prohibit a judge who places a defendant on community supervision from prohibiting the defendant, as a condition of community supervision, from contacting or interacting with a person who:

- belongs to an organization the membership of which includes persons with criminal histories, including persons currently on community supervision or parole; and
- 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:
 - working with community members to address criminal justice issues;
 - offering training and programs to assist formerly incarcerated persons; and
 - advocating for criminal justice reform, including by engaging with state and local policy makers.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 787 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 prohibition against a judge prohibiting a defendant, as a condition of community supervision, from interacting with members of an organization the membership of which includes persons who have criminal histories and who advocate for criminal justice reform through lawfully participating in rallies, marches, or other organized public displays.