

By: Sherman, Sr.

H.B. No. 931

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain violations of conditions of community  
3 supervision related to testing for alcohol or controlled  
4 substances.

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

6 SECTION 1. Article [42A.751](#), Code of Criminal Procedure, is  
7 amended by adding Subsections (m) and (n) to read as follows:

8 (m) The judge may not revoke the community supervision of a  
9 defendant based solely on a violation of a condition of community  
10 supervision related to testing for alcohol or controlled substances  
11 if at the time of testing the defendant is participating in alcohol  
12 or substance abuse counseling or treatment.

13 (n) Notwithstanding any other provision of this chapter, if  
14 the judge determines a defendant who has completed alcohol or  
15 substance abuse counseling or treatment has violated a condition of  
16 community supervision related to testing for alcohol or controlled  
17 substances, the judge may not revoke the defendant's community  
18 supervision unless the judge first considers whether to modify the  
19 defendant's community supervision to require the defendant to  
20 resume alcohol or substance abuse counseling or treatment. The  
21 judge shall modify the defendant's community supervision as  
22 described by this subsection if in the judge's opinion the  
23 modification would serve the best interest of society and the  
24 defendant.

1           SECTION 2. The change in law made by this Act applies to a  
2 person on community supervision on or after the effective date of  
3 this Act, regardless of whether the person was placed on community  
4 supervision before, on, or after the effective date of this Act.

5           SECTION 3. This Act takes effect September 1, 2021.