

1-1 By: A. Johnson of Harris (Senate Sponsor - Huffman) H.B. No. 4338  
1-2 (In the Senate - Received from the House May 17, 2021;  
1-3 May 17, 2021, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2021, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hinojosa	X		
1-13	Miles	X		
1-14	Nichols	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the representation of a community supervision and  
1-18 corrections department in cases in which a person under the  
1-19 supervision of that department challenges the fact or duration of  
1-20 the supervision.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 76.006, Government Code, is amended by  
1-23 amending Subsection (d) and adding Subsection (d-1) to read as  
1-24 follows:

1-25 (d) The attorney general has the duty to defend a department  
1-26 for suits for injunctive, declaratory, or monetary relief brought  
1-27 against it for any action not covered by an indemnification policy,  
1-28 except any action brought by the state or another political  
1-29 subdivision.

1-30 (d-1) If a person under the supervision of a department  
1-31 challenges the fact or duration of the supervision, the attorney  
1-32 general or the district or county attorney with jurisdiction over  
1-33 the offense for which the person is under supervision shall defend  
1-34 the department or its employees. The attorney general must defend  
1-35 the department or its employees in a case described by this  
1-36 subsection if the district or county attorney is unable to defend  
1-37 the department or its employees, as applicable. At the request of a  
1-38 district or county attorney, the [The] attorney general may provide  
1-39 assistance to the district or county attorney in defending [shall  
1-40 not defend] a department or its employees in cases described by this  
1-41 subsection [in which a person under supervision challenges the fact  
1-42 or duration of the supervision].

1-43 SECTION 2. Section 76.006(d-1), Government Code, as added  
1-44 by this Act, applies only to a case described by that subsection  
1-45 that is initiated on or after the effective date of this Act. A case  
1-46 that is initiated before the effective date of this Act is governed  
1-47 by the law in effect on the date the case was initiated, and the  
1-48 former law is continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect September 1, 2021.

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