By:  Lopez of Bexar H.B. No. 5177

A BILL TO BE ENTITLED

AN ACT

relating to the condition of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision.

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

SECTION 1.  Article 42A.701(f), Code of Criminal Procedure, is amended to read as follows:

(f)  If the judge discharges the defendant under this article, the judge may set aside the verdict or permit the defendant to withdraw the defendant's plea. A judge acting under this subsection shall dismiss the accusation, complaint, information, or indictment against the defendant. Justice involved veterans who successfully complete a Veterans Treatment Court Program, with the concurrence of the District Attorney, irrespective of the justice involved event, is eligible for discharge and dismissal and is released from all penalties and disabilities resulting from the justice involved event. A defendant who receives a discharge and dismissal under this subsection is released from all penalties and disabilities resulting from the offense of which the defendant has been convicted or to which the defendant has pleaded guilty, except that:

(1)  proof of the conviction or plea of guilty shall be made known to the judge if the defendant is convicted of any subsequent offense; and

(2)  if the defendant is an applicant for or the holder of a license under Chapter 42, Human Resources Code, the Department of Family and Protective Services may consider the fact that the defendant previously has received community supervision under this chapter in issuing, renewing, denying, or revoking a license under Chapter 42, Human Resources Code.

SECTION 2.  This Act takes effect September 1, 2023.