

By: Lopez of Bexar

H.B. No. 5177

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the condition of community supervision and procedures  
3 applicable to the reduction or termination of a defendant's period  
4 of community supervision.

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

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

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

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

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

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