

- SUBJECT:** Conditions of probation with regard to association with gang members
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Gallego, Christian, Fletcher, Miklos, Moody, Riddle, Vaught, Vo  
0 nays  
3 absent — Hodge, Kent, Pierson
- SENATE VOTE:** On final passage, April 23 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Katrina Daniels, Bexar County District Attorney’s Office; Rebecca Forest, Immigration Reform Coalition of Texas; MerryLynn Gerstenschlager, Texas Eagle Forum; Maria Martinez, Brent Munhofen, Immigration Reform Coalition of Texas)  
Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 42.12 allows a judge to suspend the imposition of a sentence and place a defendant on probation after a defendant pleads guilty or no contest to certain offenses. A judge may impose any reasonable condition of probation designed to protect or restore the community or the victim, or punish, rehabilitate, or reform the defendant, and may modify those conditions at any period during supervision.
- DIGEST:** SB 423 would amend Code of Criminal Procedure, art. 42.12 by adding that a defendant would be required to avoid any person, other than a family member of the defendant, who was an active member of a criminal street gang to the list of conditions of probation that could be ordered by a judge.

The bill would take effect September 1, 2009.