

BILL ANALYSIS

Senate Research Center

H.B. 1205
By: Turner et al. (Ellis)
Criminal Justice
5/16/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Positive behavior reinforcement is key to targeting the root causes of antisocial behaviors. Specifically, evidence suggests that positive reinforcements that are administered four times as often as negative reinforcements are optimal for promoting behavior changes. Interested parties argue that probation supervisors should make every effort to employ this 4:1 ratio to best ensure that individuals serving a term of community supervision successfully meet the conditions of the community supervision. To assist a probation department in offering incentives for positive behavior, a judge should have the authority to provide to an individual under community supervision credit toward the completion of the term of community supervision for the fulfillment of certain court-ordered obligations. H.B. 1205 provides an appropriate mechanism for a probation department to ensure that such an individual fulfills the requirements of community supervision and pays all court-ordered costs and restitution.

H.B. 1205 entitles certain defendants to receive any combination of time credits toward the completion of the defendant's period of community supervision if the court ordered the defendant as a condition of community supervision to do the following: earn a high school equivalency certificate, high school diploma, or associate's degree; pay certain court costs, fines, attorney's fees, and restitution; or complete a certain treatment or rehabilitation program. The bill makes its provisions relating to time credits apply only to a defendant who is granted community supervision, including deferred adjudication community supervision, for an offense punishable as a state jail felony or a third degree felony, other than an intoxication for alcoholic beverage offense, an offense involving family violence, or an offense included as a reportable conviction or adjudication under the sex offender registration program; is not delinquent in paying required fines, costs, or fees; and has fully satisfied any order to pay restitution to a victim.

H.B. 1205 amends current law relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 20(a), Article 42.12, Code of Criminal Procedure, to require the judge, before reducing or terminating a period of community supervision or conducting a review under this section, to notify the attorney representing the state and the defendant or, if the defendant has an attorney, the defendant's attorney.

SECTION 2. Amends Article 42.12, Code of Criminal Procedure, by adding Section 20A, as follows:

Sec. 20A. TIME CREDITS FOR COMPLETION OF CERTAIN CONDITIONS OF COMMUNITY SUPERVISION. (a) Provides that this section applies only to a defendant who:

(1) is granted community supervision, including deferred adjudication community supervision, for an offense punishable as a state jail felony or a felony of the third degree, other than an offense:

(A) under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code;

(B) involving family violence as defined by Section 71.004 (Family Violence), Family Code;

(C) included as a "reportable conviction or adjudication" under Article 62.001(5) (defining "reportable conviction or adjudication"); or

(D) under Section 20.03 (Kidnapping) or 28.02 (Arson), Penal Code;

(2) is not delinquent in paying required fines, costs, or fees; and

(3) has fully satisfied any order to pay restitution to a victim.

(b) Entitles a defendant described by Subsection (a) to receive any combination of time credits toward the completion of the defendant's period of community supervision in accordance with this section if the court ordered the defendant as a condition of community supervision to:

(1) earn a certificate, diploma, or degree described by Subsection (c);

(2) make a payment described by Subsection (d); or

(3) complete a treatment or rehabilitation program described by Subsection (e).

(c) Entitles a defendant to time credits toward the completion of the defendant's period of community supervision for earning the following certificates, diplomas, or degrees:

(1) a high school diploma or high school equivalency certificate: 90 days; and

(2) an associate's degree: 120 days.

(d) Entitles a defendant to time credits toward the completion of the defendant's period of community supervision for the full payment of court costs, fines, attorney's fees, and restitution as follows:

(1) court costs: 15 days;

(2) fines: 30 days;

(3) attorney's fees: 30 days; and

(4) restitution: 60 days.

(e) Entitles a defendant to time credits toward the completion of the defendant's period of community supervision for the successful completion of treatment or rehabilitation programs as follows:

(1) alcohol or substance abuse counseling or treatment: 90 days;

- (2) vocational, technical, or career education or training program: 60 days;
- (3) parenting class or parental responsibility program: 30 days;
- (4) anger management program: 30 days; and
- (5) life skills training program: 30 days.

(f) Requires a defendant's supervision officer to notify the court if one or more time credits under this section, cumulated with the amount of the original community supervision period the defendant has completed, allow or require the court to conduct a review of the defendant's community supervision under Section 20 (Reduction or Termination of Community Supervision). Requires the court, on receipt of the notice from the supervision officer, to conduct the review of the defendant's community supervision to determine if the defendant is eligible for a reduction or termination of community supervision under Section 20, taking into account any time credits to which the defendant is entitled under this section when determining if the defendant has completed, as applicable:

- (1) the lesser of one-third of the original community supervision period or two years of community supervision; or
- (2) the greater of one-half of the original community supervision period or two years of community supervision.

(g) Authorizes a court to order that some or all of the credit to which a defendant is entitled under this section be forfeited if, before the expiration of the original period or a reduced period of community supervision, the court:

- (1) after a hearing under Section 21 (Violation of Community Supervision: Detention and Hearing), finds that a defendant violated one or more conditions of community supervision; and
- (2) modifies or continues the defendant's period of community supervision under Section 22 (Continuation or Modification) or revokes the defendant's community supervision under Section 23 (Revocation).

SECTION 3. Makes application of Section 20A, Article 42.12, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2011.