

1-1 By: Giddings, Hernandez (Senate Sponsor - West) H.B. No. 1507
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 11, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the rights of certain defendants who successfully
 1-20 complete a term of community supervision.

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

1-22 SECTION 1. Article 26.13(a), Code of Criminal Procedure, is
 1-23 amended to read as follows:

1-24 (a) Prior to accepting a plea of guilty or a plea of nolo
 1-25 contendere, the court shall admonish the defendant of:

1-26 (1) the range of the punishment attached to the
 1-27 offense;

1-28 (2) the fact that the recommendation of the
 1-29 prosecuting attorney as to punishment is not binding on the court.
 1-30 Provided that the court shall inquire as to the existence of a plea
 1-31 bargain agreement between the state and the defendant and, if an
 1-32 agreement exists, the court shall inform the defendant whether it
 1-33 will follow or reject the agreement in open court and before any
 1-34 finding on the plea. Should the court reject the agreement, the
 1-35 defendant shall be permitted to withdraw the defendant's plea of
 1-36 guilty or nolo contendere;

1-37 (3) the fact that if the punishment assessed does not
 1-38 exceed the punishment recommended by the prosecutor and agreed to
 1-39 by the defendant and the defendant's attorney, the trial court must
 1-40 give its permission to the defendant before the defendant may
 1-41 prosecute an appeal on any matter in the case except for those
 1-42 matters raised by written motions filed prior to trial;

1-43 (4) the fact that if the defendant is not a citizen of
 1-44 the United States of America, a plea of guilty or nolo contendere
 1-45 for the offense charged may result in deportation, the exclusion
 1-46 from admission to this country, or the denial of naturalization
 1-47 under federal law; ~~and~~

1-48 (5) the fact that the defendant will be required to
 1-49 meet the registration requirements of Chapter 62, if the defendant
 1-50 is convicted of or placed on deferred adjudication for an offense
 1-51 for which a person is subject to registration under that chapter;
 1-52 and

1-53 (6) the fact that if the defendant is placed on
 1-54 community supervision, after satisfactorily fulfilling the
 1-55 conditions of community supervision and on expiration of the period
 1-56 of community supervision, the court is authorized to release the
 1-57 defendant from the penalties and disabilities resulting from the
 1-58 offense as provided by Article 42A.701(f).

1-59 SECTION 2. Subchapter B, Chapter 42A, Code of Criminal
 1-60 Procedure, is amended by adding Article 42A.058 to read as follows:
 1-61 Art. 42A.058. INFORMATION PROVIDED TO DEFENDANT PLACED ON

2-1 COMMUNITY SUPERVISION. A judge placing a defendant on community
2-2 supervision shall inform the defendant in writing and on a form
2-3 prescribed by the Office of Court Administration of the Texas
2-4 Judicial System that, after satisfactorily fulfilling the
2-5 conditions of community supervision and on expiration of the period
2-6 of community supervision, the judge is authorized to release the
2-7 defendant from the penalties and disabilities resulting from the
2-8 offense as provided by Article 42A.701(f).

2-9 SECTION 3. Article 42A.701, Code of Criminal Procedure, is
2-10 amended by adding Subsections (f-1) and (f-2) to read as follows:

2-11 (f-1) The Office of Court Administration of the Texas
2-12 Judicial System shall adopt a standardized form for use in
2-13 discharging a defendant under this article. A judge discharging a
2-14 defendant under this article must use the form adopted under this
2-15 subsection. The form must provide for the judge to:

2-16 (1) discharge the defendant; or

2-17 (2) discharge the defendant, set aside the verdict or
2-18 permit the defendant to withdraw the defendant's plea, and dismiss
2-19 the accusation, complaint, information, or indictment against the
2-20 defendant.

2-21 (f-2) The form adopted under Subsection (f-1) must state
2-22 that a defendant who receives a discharge described by Subsection
2-23 (f-1)(2) is released from the penalties and disabilities resulting
2-24 from the offense as provided by Subsection (f).

2-25 SECTION 4. (a) Not later than December 1, 2017, the Office
2-26 of Court Administration of the Texas Judicial System shall adopt
2-27 the forms required by Articles 42A.058 and 42A.701(f-1), Code of
2-28 Criminal Procedure, as added by this Act.

2-29 (b) Article 26.13(a), Code of Criminal Procedure, as
2-30 amended by this Act, applies only to a plea of guilty or a plea of
2-31 nolo contendere accepted by a court on or after January 1, 2018,
2-32 regardless of whether the offense for which the plea was submitted
2-33 was committed before, on, or after that date.

2-34 (c) Article 42A.058, Code of Criminal Procedure, as added by
2-35 this Act, applies only to a defendant placed on community
2-36 supervision on or after January 1, 2018, regardless of whether the
2-37 offense for which the defendant was placed on community supervision
2-38 was committed before, on, or after that date.

2-39 (d) Articles 42A.701(f-1) and (f-2), Code of Criminal
2-40 Procedure, as added by this Act, apply only to a discharge from
2-41 community supervision that occurs on or after January 1, 2018. A
2-42 discharge from community supervision that occurs before January 1,
2-43 2018, is governed by the law in effect on the date the discharge
2-44 occurs, and the former law is continued in effect for that purpose.

2-45 SECTION 5. This Act takes effect September 1, 2017.

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