

BILL ANALYSIS

H.B. 518
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Criminal justice professionals state that they frequently are faced with a situation in which a defendant under community supervision is alleged to have violated a condition of the community supervision and is incarcerated. When such a situation occurs, the imprisoned defendant currently is required to be brought before a court of record in order to waive the right to a hearing on the revocation of community supervision. Critics of this requirement point out the high cost of transportation and court administration in facilitating these in-court waivers. Similarly, parties sensitive to issues facing the incarcerated have suggested that often, a prisoner would prefer to avoid the disruption caused by such a proceeding.

H.B. 518 seeks to provide an alternative to the court appearance requirement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 518 amends the Code of Criminal Procedure to authorize a judge to revoke the community supervision of a defendant imprisoned for allegedly violating a condition of the supervision without a hearing if the defendant, in addition to other actions, waives in writing the defendant's right to a hearing and to counsel before a notary public in the jurisdiction where imprisoned as an alternative to requiring such a defendant to waive those rights in writing before a court of record in that jurisdiction.

EFFECTIVE DATE

September 1, 2015.