

- SUBJECT:** Consequences if verdict set aside after successful probation term
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 4 ayes — Herrero, Leach, Shaheen, Simpson
- 0 nays
- 3 absent — Moody, Canales, Hunter
- WITNESSES:** For — Vikrant Reddy, Texas Public Policy Foundation; (*Registered, but did not testify*: Traci Berry, Goodwill Central Texas; Lori Henning, Texas Association of Goodwills; Patricia Cummings, Texas Criminal Defense Lawyers Association; Sarah Pahl, Texas Criminal Justice Coalition)
- Against — None
- BACKGROUND:** Under Code of Criminal Procedure, Art. 42.12, sec. 20(a), certain persons placed on community supervision (probation) who complete at least one-third of their probation terms, or two years, whichever is less, can have their probation term reduced or terminated. If the probationer is discharged from a sentence, the judge can set aside the verdict or allow the probationer to withdraw a plea and must dismiss the case. The person is then released from the penalties from the offense except that the conviction or guilty plea would be made known in the course of licensing for certain human service agencies and to a judge if the person were convicted of another offense.
- DIGEST:** CSHB 1503 would establish consequences for defendants who have their probation term reduced or terminated under Code of Criminal Procedure, art. 42.12(20) and a judge subsequently sets aside a verdict or permits the defendant to withdraw a plea.
- If a judge dismissed such a case, the defendant would not be considered to have been convicted of an offense. A licensing authority could not deny an application for an occupational license, suspend, revoke, or refuse to

renew a license or take other disciplinary action based on the offense. The defendant could not be denied a benefit or subject to any civil disability or disqualification based on the offense. A dismissal would not release a defendant from the obligation to pay required restitution, fines, costs, or fees.

CSHB 1503 would set a deadline for judges to set aside a verdict or allow a defendant to withdraw a plea in these cases. A judge would have 30 days after discharging a defendant to take such actions.

These provisions would supersede conflicted statutes enacted before September 1, 2015, and would supersede any conflicting statutes enacted on or after September 1, 2105, unless the statute expressly provided otherwise.

The bill would take effect September 1, 2015.