

By: Moody

H.B. No. 518

A BILL TO BE ENTITLED

AN ACT

relating to certain waivers by a defendant regarding a community supervision revocation hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21(b-2), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b-2) If the defendant has not been released on bail as permitted under Subsection (b-1), on motion by the defendant the judge who ordered the arrest for the alleged violation of a condition of community supervision shall cause the defendant to be brought before the judge for a hearing on the alleged violation within 20 days of filing of the ~~[said]~~ motion, and after a hearing without a jury, may either continue, extend, modify, or revoke the community supervision. A judge may revoke the community supervision of a defendant who is imprisoned in a penal institution without a hearing if the defendant, in writing before a court of record or a notary public in the jurisdiction where imprisoned, waives the defendant's ~~[his]~~ right to a hearing and to counsel, affirms that the defendant ~~[he]~~ has nothing to say as to why sentence should not be pronounced against the defendant ~~[him]~~, and requests the judge to revoke community supervision and to pronounce sentence. In a felony case, the state may amend the motion to revoke community supervision any time up to seven days before the date of the revocation hearing, after which time the motion may not

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1 be amended except for good cause shown, and in no event may the  
2 state amend the motion after the commencement of taking evidence at  
3 the hearing. The judge may continue the hearing for good cause  
4 shown by either the defendant or the state.

5 SECTION 2. This Act takes effect September 1, 2015.