

CHAPTER 554

H.B. No. 2053

An Act relating to requiring psychological counseling as a condition of probation or parole for certain defendants.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 6(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) The court having jurisdiction of the case shall determine the terms and conditions of probation and may, at any time, during the period of probation alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer, and shall note the date of delivery of such copy on the docket. Terms and conditions of probation may include, but shall not be limited to, the conditions that the probationer shall:

(1) ~~(a-)~~ Commit no offense against the laws of this State or of any other State or of the United States;

(2) ~~(b-)~~ Avoid injurious or vicious habits;

(3) ~~(c-)~~ Avoid persons or places of disreputable or harmful character;

(4) ~~(d-)~~ Report to the probation officer as directed by the judge or probation officer and obey all rules and regulations of the probation department;

(5) ~~(e-)~~ Permit the probation officer to visit him at his home or elsewhere;

(6) ~~(f-)~~ Work faithfully at suitable employment as far as possible;

(7) ~~(g-)~~ Remain within a specified place;

(8) ~~(h-)~~ Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine;

(9) ~~(i-)~~ Support his dependents;

(10) ~~(j-)~~ Participate, for a time specified by the court and subject to the same conditions imposed on community-service probationers by Sections 10A(c), (d), (g), and (h) of this article, in any community-based program, including a community-service work program designated by the court;

(11) ~~(k-)~~ Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;

(12) ~~(l-)~~ Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;

(13) ~~(m-)~~ Pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; ~~and~~

(14) ~~(n-)~~ Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense; *and*

(15) Attend psychological counseling sessions at the direction of the probation officer and at the probationer's own expense, if the probationer was sentenced for an offense under Section 21.11, 22.011, 22.021, or 22.04, Penal Code.

SECTION 2. Section 15(g), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(g) The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions shall include the making of restitution or reparation to the victim of the prisoner's crime, in an amount not greater than such restitution or reparation as established by the court and entered in the sentence of the court which sentenced the prisoner to his term of imprisonment. *The Board may include as a condition of parole for a prisoner released after serving a sentence for an offense under Section 21.11, 22.011, 22.021, or 22.04, Penal Code, that the prisoner attend psychological counseling at the direction of the parole officer supervising the prisoner at the prisoner's own expense, and keep the officer informed of his attendance at counseling sessions.* Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 6, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2053 on May 26, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985