

BILL ANALYSIS

H.B. 754
By: Luna
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a judge may require as a condition of community supervision that a defendant complete a specified number of community service hours. However, defendants can encounter legitimate difficulties in trying to complete their required community service hours. Some defendants, particularly those who live in rural areas, find it difficult to find opportunities to perform their community service obligations. Additionally, some defendants may have work or educational conflicts, medical restrictions, or problems obtaining child care, all of which can prevent them from successfully completing their required community service.

House Bill 754 would allow a judge to permit a low-risk defendant to substitute for community supervision one or more payments of \$50 to any governmental entity that administers community service in this state.

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

House Bill 754 amends Article 42.036, Code of Criminal Procedure, by adding Subsection (g), which allows a judge to permit a low-risk offender, as described in the classification system developed by the Commission on Jail Standards under Section 511.009, Government Code, to substitute for community service otherwise required under this article one or more payments of \$50 to any governmental entity that administers community service in this state.

A defendant is considered to have served one day in jail, or to have performed eight hours of community service, for each \$50 contributed under this subsection.

EFFECTIVE DATE

This Act takes effect September 1, 2003, and applies to a defendant required to perform community service under Article 42.036, Code of Criminal Procedure, before, on, or after that date.