

Amend CSHB 2193 by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION _____. (a) Article 45.051, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic Beverage Code, and is a resident of this state. If under Subsection (b)(10) of this article the judge requires the defendant to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required community service work for:

(1) a governmental entity or a nonprofit organization that is located in the county in which the court is located; or

(2) a governmental entity or a nonprofit organization that is located in the county in which the defendant resides, but only if the entity or organization agrees to:

(A) supervise the defendant in the performance of the defendant's community service work; and

(B) report to the court on the defendant's community service work.

(b-2) This subsection applies only to a defendant charged with an offense under Section 106.05, Alcoholic Beverage Code, who, under Subsection (b-1), elects to perform the required community supervision in the county in which the defendant resides. The community supervision must comply with Sections 106.071(d) and (e), Alcoholic Beverage Code, except that if the educational programs or services described by Section 106.071(d) are not available in the county of the defendant's residence, the court may order community service that it considers appropriate for rehabilitative purposes.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2005.