

BILL ANALYSIS

Senate Research Center
79R7187 MFC-F

S.B. 875
By: Wentworth
Criminal Justice
4/23/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law authorizes a judge to permit a defendant to serve the defendant's sentence intermittently during off-work hours or on weekends. The sentencing court may also require the defendant to make certain payments to the court, other agencies, or persons. These payments are collected and disbursed by the clerk of the court, which is cumbersome and requires each sentencing court to determine the appropriate amount of fees to be collected.

As proposed, S.B. 875 allows the payment and collection of the fees for defendants participating in the intermittent release program in the same manner as provided under the work release program. The bill requires a defendant who participates in the program to reimburse the county for the cost of confinement, based on an amount determined by the commissioners court, and requires the sheriff to establish a payment schedule. Upon notification that a defendant has failed to make a scheduled payment, the judge is required to terminate the defendant's participation in the program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsections (a) and (b), Article 42.033, Code of Criminal Procedure, as follows:

(a) Adds Subdivision (2) to require the trial judge to require as a condition of permitting a defendant to serve a sentence or period of confinement intermittently that the defendant reimburse the county a certain amount for the cost of the confinement. Provides that for purposes of this subdivision, a defendant who is confined in county jail for only a portion of a day is nonetheless considered to have been confined for the whole day. Requires the sheriff to establish a payment schedule for defendants participating in the intermittent confinement program. Requires the judge to terminate participation in the program on notification that a defendant has failed to make a scheduled payment. Creates Subdivisions (1) and (3) from existing text.

(b) Deletes the provision that the court may use certain money received from a defendant serving jail time intermittently for reimbursement of the general fund of the county for the maintenance of the defendant in jail.

SECTION 2. Amends Article 42.038, Code of Criminal Procedure, by adding Subsection (g), as follows:

(g) Provides that a defendant who is permitted to serve the defendant's sentence or period of confinement intermittently, and whose participation in the intermittent confinement program is terminated for failure to pay, is subject to the requirements of this article, except that the sheriff is required to deduct from the bill presented to the defendant any amount previously received by the sheriff from the defendant as installment payments on restitution, fines, and court costs.

SECTION 3. Makes application of Subsections (a) and (b), Article 42.033, Code of Criminal Procedure, as amended by this Act, prospective to a defendant who on or after the effective date of this act is sentenced to confinement in a county jail or required as a condition of community supervision to serve a period of confinement in county jail.

SECTION 4. Effective date: September 1, 2005.