

By: Berman, Orr, Cook of Colorado, Blake,  
McReynolds, et al.

H.B. No. 129

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority to require a convicted person to perform  
3 manual labor for a nonprofit organization.

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

5 SECTION 1. Article 43.10, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 43.10. MANUAL LABOR. Where the punishment assessed in  
8 a conviction for misdemeanor is confinement in jail for more than  
9 one day, or where in such conviction the punishment is assessed only  
10 at a pecuniary fine and the party so convicted is unable to pay the  
11 fine and costs adjudged against him, or where the party is sentenced  
12 to jail for a felony or is confined in jail after conviction of a  
13 felony, the party convicted shall be required to work in the county  
14 jail industries program or shall be required to do manual labor in  
15 accordance with the provisions of this article under the following  
16 rules and regulations:

17 1. Each commissioners court may provide for the erection of  
18 a workhouse and the establishment of a county farm in connection  
19 therewith for the purpose of utilizing the labor of said parties so  
20 convicted;

21 2. Such farms and workhouses shall be under the control and  
22 management of the sheriff, and the sheriff may adopt such rules and  
23 regulations not inconsistent with the rules and regulations of the  
24 Commission on Jail Standards and with the laws as the sheriff deems

1 necessary;

2           3. Such overseers and guards may be employed by the sheriff  
3 under the authority of the commissioners court as may be necessary  
4 to prevent escapes and to enforce such labor, and they shall be paid  
5 out of the county treasury such compensation as the commissioners  
6 court may prescribe;

7           4. They shall be put to labor upon public works and  
8 maintenance projects, including public works and maintenance  
9 projects for a political subdivision located in whole or in part in  
10 the county. They may also be put to labor providing maintenance and  
11 related services to a nonprofit organization that qualifies for a  
12 tax exemption under Section 501(a), Internal Revenue Code of 1986,  
13 as an organization described by Section 501(c)(3) of that code, and  
14 is organized as a nonprofit corporation under the Texas Non-Profit  
15 Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil  
16 Statutes), provided that, at the sheriff's request, the  
17 commissioners court determines that the nonprofit organization  
18 provides a public service to the county or to a political  
19 subdivision located in whole or in part in the county;

20           5. One who from age, disease, or other physical or mental  
21 disability is unable to do manual labor shall not be required to  
22 work. His inability to do manual labor may be determined by a  
23 physician appointed for that purpose by the county judge or the  
24 commissioners court, who shall be paid for such service such  
25 compensation as said court may allow; and

26           6. For each day of manual labor, in addition to any other  
27 credits allowed by law, a defendant is entitled to have one day

1 deducted from each sentence he is serving. The deduction  
2 authorized by this article, when combined with the deduction  
3 required by Article 42.10 of this code, may not exceed two-thirds  
4 (2/3) of the sentence.

5 SECTION 2. The change in law made by this Act applies to a  
6 person who is convicted of an offense with respect to which Article  
7 43.10, Code of Criminal Procedure, applies, regardless of whether  
8 the conviction occurs before, on, or after the effective date of  
9 this Act.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2005.