

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

H.B. No. 129

Substitute the following for H.B. No. 129:

By: McReynolds

C.S.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.