

By: Berman

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, or for a nonprofit organization that provides services
11 to the general public that enhance social welfare and the general
12 well-being of the community;

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

19 6. For each day of manual labor, in addition to any other
20 credits allowed by law, a defendant is entitled to have one day
21 deducted from each sentence he is serving. The deduction
22 authorized by this article, when combined with the deduction
23 required by Article 42.10 of this code, may not exceed two-thirds
24 (2/3) of the sentence.

25 SECTION 2. The change in law made by this Act applies to a
26 person who is convicted of an offense with respect to which Article
27 43.10, Code of Criminal Procedure, applies, regardless of whether

1 the conviction occurs before, on, or after the effective date of
2 this Act.

3 SECTION 3. This Act takes effect September 1, 2005.