

1-1 By: Eltife S.B. No. 159  
1-2 (In the Senate - Filed January 6, 2005; February 1, 2005,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 31, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 31, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 159 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority to require a convicted person to perform  
1-11 manual labor for a nonprofit organization.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 43.10, Code of Criminal Procedure, is  
1-14 amended to read as follows:

1-15 Art. 43.10. MANUAL LABOR. Where the punishment assessed in  
1-16 a conviction for misdemeanor is confinement in jail for more than  
1-17 one day, or where in such conviction the punishment is assessed only  
1-18 at a pecuniary fine and the party so convicted is unable to pay the  
1-19 fine and costs adjudged against him, or where the party is sentenced  
1-20 to jail for a felony or is confined in jail after conviction of a  
1-21 felony, the party convicted shall be required to work in the county  
1-22 jail industries program or shall be required to do manual labor in  
1-23 accordance with the provisions of this article under the following  
1-24 rules and regulations:

1-25 1. Each commissioners court may provide for the erection of  
1-26 a workhouse and the establishment of a county farm in connection  
1-27 therewith for the purpose of utilizing the labor of said parties so  
1-28 convicted;

1-29 2. Such farms and workhouses shall be under the control and  
1-30 management of the sheriff, and the sheriff may adopt such rules and  
1-31 regulations not inconsistent with the rules and regulations of the  
1-32 Commission on Jail Standards and with the laws as the sheriff deems  
1-33 necessary;

1-34 3. Such overseers and guards may be employed by the sheriff  
1-35 under the authority of the commissioners court as may be necessary  
1-36 to prevent escapes and to enforce such labor, and they shall be paid  
1-37 out of the county treasury such compensation as the commissioners  
1-38 court may prescribe;

1-39 4. They shall be put to labor upon public works and  
1-40 maintenance projects, including public works and maintenance  
1-41 projects for a political subdivision located in whole or in part in  
1-42 the county. They may also be put to labor providing maintenance and  
1-43 related services to a nonprofit organization that qualifies for a  
1-44 tax exemption under Section 501(a), Internal Revenue Code of 1986,  
1-45 as an organization described by Section 501(c)(3) of that code, and  
1-46 is organized as a nonprofit corporation under the Texas Non-Profit  
1-47 Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil  
1-48 Statutes), provided that, at the sheriff's request, the  
1-49 commissioners court determines that the nonprofit organization  
1-50 provides a public service to the county or to a political  
1-51 subdivision located in whole or in part in the county;

1-52 5. One who from age, disease, or other physical or mental  
1-53 disability is unable to do manual labor shall not be required to  
1-54 work. His inability to do manual labor may be determined by a  
1-55 physician appointed for that purpose by the county judge or the  
1-56 commissioners court, who shall be paid for such service such  
1-57 compensation as said court may allow; and

1-58 6. For each day of manual labor, in addition to any other  
1-59 credits allowed by law, a defendant is entitled to have one day  
1-60 deducted from each sentence he is serving. The deduction  
1-61 authorized by this article, when combined with the deduction  
1-62 required by Article 42.10 of this code, may not exceed two-thirds  
1-63 (2/3) of the sentence.

2-1 SECTION 2. The change in law made by this Act applies to a  
2-2 person who is convicted of an offense with respect to which Article  
2-3 43.10, Code of Criminal Procedure, applies, regardless of whether  
2-4 the conviction occurs before, on, or after the effective date of  
2-5 this Act.

2-6 SECTION 3. This Act takes effect immediately if it receives  
2-7 a vote of two-thirds of all the members elected to each house, as  
2-8 provided by Section 39, Article III, Texas Constitution. If this  
2-9 Act does not receive the vote necessary for immediate effect, this  
2-10 Act takes effect September 1, 2005.

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