

By: Wentworth

S.B. No. 875

A BILL TO BE ENTITLED

AN ACT

relating to the reimbursement by certain defendants for the cost of confinement in county jail.

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

SECTION 1. Subsections (a) and (b), Article 42.033, Code of Criminal Procedure, are amended to read as follows:

(a) (1) Where jail time has been awarded to a person sentenced for a misdemeanor or sentenced to confinement in the county jail for a felony or when a defendant is serving a period of confinement as a condition of community supervision, the trial judge, at the time of the pronouncement of sentence or at any time while the defendant is serving the sentence or period of confinement, when in the judge's discretion the ends of justice would best be served, may permit the defendant to serve the defendant's sentence or period of confinement intermittently during his off-work hours or on weekends.

(2) The trial judge shall require as a condition of permitting a defendant to serve a sentence or period of confinement intermittently that the defendant reimburse the county for the cost of the defendant's confinement based on the average daily cost of confining defendants in the county jail, as determined by the commissioners court. 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. The

1 sheriff shall establish a payment schedule for defendants
2 participating in the intermittent confinement program, and on
3 notification to the trial judge that a defendant has failed to make
4 a scheduled payment, the judge shall terminate the defendant's
5 participation in the program.

6 (3) The judge may require bail of the defendant to
7 ensure the faithful performance of the sentence or period of
8 confinement. The judge may attach conditions regarding the
9 employment, travel, and other conduct of the defendant during the
10 performance of such a sentence or period of confinement.

11 (b) The court may impose as a condition to permitting a
12 defendant to serve the jail time assessed or period of confinement
13 intermittently an additional requirement that the defendant make
14 any of the following payments to the court, agencies, or persons, or
15 that the defendant execute a letter and direct it to the defendant's
16 employer directing the employer to deduct from the defendant's
17 salary an amount directed by the court, which is to be sent by the
18 employer to the clerk of the court. The money received by the court
19 under this section may be used to pay the following expenses as
20 directed by the court:

21 (1) the support of the defendant's dependents, if
22 necessary;

23 (2) the defendant's documented personal, business, and
24 travel expenses; and

25 (3) ~~[reimbursement of the general fund of the county~~
26 ~~for the maintenance of the defendant in jail, and~~

27 ~~[(4)]~~ installment payments on restitution, fines, and

1 court costs ordered by the court.

2 SECTION 2. Article 42.038, Code of Criminal Procedure, is
3 amended by adding Subsection (g) to read as follows:

4 (g) A defendant who is permitted to serve the defendant's
5 sentence or period of confinement intermittently under Article
6 42.033, but whose participation in the intermittent confinement
7 program is terminated under Article 42.033(a)(2), is subject to the
8 requirements of this article, except that the sheriff shall deduct
9 from the bill presented to the defendant under Subsection (e) any
10 amount previously received by the sheriff from the defendant under
11 Article 42.033(b)(3).

12 SECTION 3. Subsections (a) and (b), Article 42.033, Code of
13 Criminal Procedure, as amended by this Act, apply only to a
14 defendant who on or after the effective date of this Act is
15 sentenced to confinement in a county jail or required as a condition
16 of community supervision to serve a period of confinement in a
17 county jail.

18 SECTION 4. This Act takes effect September 1, 2005.