

BILL ANALYSIS

S.B. 302
By: Harris
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a judge may assign community service in addition to or in place of jail time, but the processing costs for the county are not accounted for directly. Assigning this fee to specifically cover these costs will encourage judges to require community service in lieu of jail time. This legislation is necessary for the recovery of costs associated with monitoring, coordinating, administering, and record-keeping for persons who are ordered to perform community service in lieu of confinement. This will allow flexibility by permitting defendants to serve community service during off-work hours and it will benefit many more nonprofit organizations that need assistance at odd hours. The record keeping and coordination of community service hours is very time consuming. Also, allowing defendants to complete their sentences during off hours allows them to maintain gainful employment during the day, perhaps interrupting the cycle of recidivism.

As proposed, S.B. 302 authorizes a court to require a defendant to pay a fee to cover the cost of administering community service in lieu of jail time.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 302 amends the Code of Criminal Procedure to add that a court that requires a defendant to perform community service under Article 42.036, Code of Criminal Procedure, may order the defendant to pay to the court an administrative fee, not to exceed \$50, to cover the cost of administering this article.

The bill also amends the Government Code to add that a defendant must pay an administrative fee, not to exceed \$50, under Article 42.036(g), Code of Criminal Procedure, to perform community service in lieu of serving a term in county jail, if ordered by the court.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.