

BILL ANALYSIS

Senate Research Center
80R3656 HLT-D

S.B. 302
By: Harris
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.036, Code of Criminal Procedure, by adding Subsection (g), to authorize a court that requires a defendant to perform community service under this article to also order that the defendant pay to the court an administrative fee, not to exceed \$50, to cover the cost of administering this article.

SECTION 2. Amends Subchapter B, Chapter 103, Government Code, by adding Section 103.034, as follows:

Sec. 103.034. ADMINISTRATIVE FEE IN CERTAIN CRIMINAL CASES. Requires a defendant to pay an administrative fee, not to exceed \$50, in order to perform community service in lieu of serving a term in county jail, if ordered by the court.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.