

BILL ANALYSIS

S.B. 691
By: Uresti
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, it is possible for a person sentenced to community service for certain traffic or alcohol offenses in a jurisdiction in which the person does not reside to be ordered to perform such service within that jurisdiction. In such cases, performance of the service can be difficult to achieve due to limited resources, time constraints, and family obligations.

S.B. 691 authorizes a defendant sentenced to community service to perform such service in the county in which the defendant resides, regardless of where the sentence was imposed.

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 691 amends Code of Criminal Procedure (CCP) to provide that Article 45.051(b-4) only applies to a defendant charged with a traffic offense or offense under Section 106.05 (Possession of Alcohol by a Minor), Alcoholic Beverage Code, and who is a state resident. If under Article 45.051(b)(10), CCP, the judge requires the defendant to perform community service under Article 43.09, CCP, as a condition of the deferral, the defendant is entitled to elect whether to perform the required governmental entity or nonprofit organization community service in the county in which the court is located, or the county in which the defendant resides, but only if the entity or organization agrees to supervise the defendant in the performance of the defendant's community service work, and report to the court on the defendant's community service work.

The bill also provides that Article 45.051(b-5), CCP, only applies to a defendant charged with an offense under Section 106.05, Alcoholic Beverage Code, who under Article 45.051(b-4), CCP, elects to perform the required community service in the county in which the defendant resides. The community service must comply with Sections 106.071(d) and (e), Alcoholic Beverage Code, except that if the educational programs or services described by Section 106.071(e), Alcoholic Beverage Code, are not available in the county of the defendant's residence, the court may order community service that it considers appropriate for rehabilitative purposes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.