

BILL ANALYSIS

Senate Research Center
80R2605 JD-D

S.B. 691
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, 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

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 45.051, Code of Criminal Procedure, by adding Subsections (b-4) and (b-5), as follows:

(b-4) Applies this subsection solely to a resident defendant charged with a traffic offense or offense under Section 106.05 (Possession of Alcohol by a Minor), Alcoholic Beverage Code. Entitles a defendant, if required by a judge under Subsection (b)(10) to perform community service as a condition of a deferral, to elect, from among the locations set forth under this subsection, in which location the defendant will perform the required service.

(b-5) Applies this subsection solely to a defendant charged with an offense under Section 106.05, Alcoholic Beverage Code, who elects to perform the required community supervision under Subsection (b-4)(2) in the county where the defendant resides. Requires the supervision to comply with Sections 106.071(d) and (e), Alcoholic Beverage Code (regarding community service requirements for alcohol-related offenses by a minor). Authorizes the court to order the defendant to perform community service it considers appropriate for rehabilitative services if the educational programs or services described by Section 106.071(d) (regarding education about and prevention of the misuse of alcohol) are not available.

SECTION 2. Effective date: upon passage or September 1, 2007.