

By: Uresti

S.B. No. 691

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the performance of community service as a condition for  
3 a deferral of adjudication in certain misdemeanor cases punishable  
4 by fine only.

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

6 SECTION 1. Article 45.051, Code of Criminal Procedure, is  
7 amended by adding Subsections (b-4) and (b-5) to read as follows:

8 (b-4) This subsection applies only to a defendant who is  
9 charged with a traffic offense or an offense under Section 106.05,  
10 Alcoholic Beverage Code, and is a resident of this state. If under  
11 Subsection (b)(10) the judge requires the defendant to perform  
12 community service under Article 43.09 as a condition of the  
13 deferral, the defendant is entitled to elect whether to perform the  
14 required governmental entity or nonprofit organization community  
15 service in:

16 (1) the county in which the court is located; or

17 (2) the county in which the defendant resides, but  
18 only if the entity or organization agrees to:

19 (A) supervise the defendant in the performance of  
20 the defendant's community service work; and

21 (B) report to the court on the defendant's  
22 community service work.

23 (b-5) This subsection applies only to a defendant charged  
24 with an offense under Section 106.05, Alcoholic Beverage Code, who,

1 under Subsection (b-4), elects to perform the required community  
2 service in the county in which the defendant resides. The community  
3 service must comply with Sections 106.071(d) and (e), Alcoholic  
4 Beverage Code, except that if the educational programs or services  
5 described by Section 106.071(e) are not available in the county of  
6 the defendant's residence, the court may order community service  
7 that it considers appropriate for rehabilitative purposes.

8         SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2007.