

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) of this article the judge requires the defendant
12 to perform community service as a condition of the deferral, the
13 defendant is entitled to elect whether to perform the required
14 community service work for:

15 (1) a governmental entity or a nonprofit organization
16 that is located in the county in which the court is located; or

17 (2) a governmental entity or a nonprofit organization
18 that is located in the county in which the defendant resides, but
19 only if the entity or organization agrees to:

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

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

24 (b-5) This subsection applies only to a defendant charged

1 with an offense under Section 106.05, Alcoholic Beverage Code, who,
2 under Subsection (b-4), elects to perform the required community
3 supervision in the county in which the defendant resides. The
4 community supervision must comply with Sections 106.071(d) and (e),
5 Alcoholic Beverage Code, except that if the educational programs or
6 services described by Section 106.071(d) are not available in the
7 county of the defendant's residence, the court may order community
8 service that it considers appropriate for rehabilitative purposes.

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