

1-1 By: Uresti S.B. No. 691  
1-2 (In the Senate - Filed February 15, 2007; February 28, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 10, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 10, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 691 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the performance of community service as a condition for  
1-11 a deferral of adjudication in certain misdemeanor cases punishable  
1-12 by fine only.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 45.051, Code of Criminal Procedure, is  
1-15 amended by adding Subsections (b-4) and (b-5) to read as follows:

1-16 (b-4) This subsection applies only to a defendant who is  
1-17 charged with a traffic offense or an offense under Section 106.05,  
1-18 Alcoholic Beverage Code, and is a resident of this state. If under  
1-19 Subsection (b)(10) the judge requires the defendant to perform  
1-20 community service under Article 43.09 as a condition of the  
1-21 deferral, the defendant is entitled to elect whether to perform the  
1-22 required governmental entity or nonprofit organization community  
1-23 service in:

1-24 (1) the county in which the court is located; or

1-25 (2) the county in which the defendant resides, but  
1-26 only if the entity or organization agrees to:

1-27 (A) supervise the defendant in the performance of  
1-28 the defendant's community service work; and

1-29 (B) report to the court on the defendant's  
1-30 community service work.

1-31 (b-5) This subsection applies only to a defendant charged  
1-32 with an offense under Section 106.05, Alcoholic Beverage Code, who,  
1-33 under Subsection (b-4), elects to perform the required community  
1-34 service in the county in which the defendant resides. The community  
1-35 service must comply with Sections 106.071(d) and (e), Alcoholic  
1-36 Beverage Code, except that if the educational programs or services  
1-37 described by Section 106.071(e) are not available in the county of  
1-38 the defendant's residence, the court may order community service  
1-39 that it considers appropriate for rehabilitative purposes.

1-40 SECTION 2. This Act takes effect immediately if it receives  
1-41 a vote of two-thirds of all the members elected to each house, as  
1-42 provided by Section 39, Article III, Texas Constitution. If this  
1-43 Act does not receive the vote necessary for immediate effect, this  
1-44 Act takes effect September 1, 2007.

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