

BILL ANALYSIS

H.B. 1964
By: Villarreal
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the judge of a justice or municipal court may require an eligible defendant to discharge all or part of a court fine or cost by performing community service if the judge determines that the defendant has insufficient resources or income to pay the fine or cost. A juvenile often does not have adequate resources to pay a fine, and some courts have found that requiring community service for a low-level crime has been more effective in preventing a juvenile offender from becoming a more serious offender. The purpose of H.B. 1964 is to make it easier for justice and municipal courts to use the community service option in lieu of paying fines or costs for juvenile offenders for a Class C misdemeanor and to provide the courts direction on sentencing juvenile offenders and discretion in setting the terms of the community service.

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

H.B. 1964 amends the Code of Criminal Procedure to authorize a justice or judge to require a defendant younger than 17 years of age who is assessed a fine or costs for a Class C misdemeanor to discharge all or part of the fine or costs by performing community service. The bill authorizes such a defendant to discharge an obligation to perform community service by paying at any time the fine and costs assessed. The bill requires the justice or judge to specify, in the justice's or judge's order requiring the defendant to perform the community service, the number of hours of service the defendant is required to perform and prohibits the justice or judge from ordering more than 200 hours of service. The bill exempts a sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county from liability for damages arising from an act or failure to act in connection with community service performed by the defendant if the act or failure to act was performed pursuant to court order and was not intentional, willfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others. The bill authorizes a community supervision and corrections department or a court-related services office to provide the administrative and other services necessary for supervision of a defendant required to perform community service under the bill's provisions.

H.B. 1964 makes a conforming change in provisions of law relating to the suspension of sentence and deferral of final disposition of certain defendants.

EFFECTIVE DATE

September 1, 2011.