

1 AN ACT

2 relating to certain court orders against, and to discharging
3 through community service fines and costs assessed against, certain
4 juvenile defendants.

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

6 SECTION 1. Subchapter B, Chapter 45, Code of Criminal
7 Procedure, is amended by adding Article 45.0492 to read as follows:

8 Art. 45.0492. COMMUNITY SERVICE IN SATISFACTION OF FINE OR
9 COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies
10 only to a defendant younger than 17 years of age who is assessed a
11 fine or costs for a Class C misdemeanor.

12 (b) A justice or judge may require a defendant described by
13 Subsection (a) to discharge all or part of the fine or costs by
14 performing community service. A defendant may discharge an
15 obligation to perform community service under this article by
16 paying at any time the fine and costs assessed.

17 (c) In the justice's or judge's order requiring a defendant
18 to perform community service under this article, the justice or
19 judge shall specify the number of hours of service the defendant is
20 required to perform and may not order more than 200 hours of
21 service.

22 (d) The justice or judge may order the defendant to perform
23 community service work under this article only for a governmental
24 entity or a nonprofit organization that provides services to the

1 general public that enhance social welfare and the general
2 well-being of the community. A governmental entity or nonprofit
3 organization that accepts a defendant under this article to perform
4 community service must agree to supervise the defendant in the
5 performance of the defendant's work and report on the defendant's
6 work to the justice or judge who ordered the community service.

7 (e) A justice or judge may not order a defendant to perform
8 more than 16 hours of community service per week under this article
9 unless the justice or judge determines that requiring additional
10 hours of work does not cause a hardship on the defendant or the
11 defendant's family. For purposes of this subsection, "family" has
12 the meaning assigned by Section 71.003, Family Code.

13 (f) A sheriff, employee of a sheriff's department, county
14 commissioner, county employee, county judge, justice of the peace,
15 municipal court judge, or officer or employee of a political
16 subdivision other than a county is not liable for damages arising
17 from an act or failure to act in connection with community service
18 performed by a defendant under this article if the act or failure to
19 act:

20 (1) was performed pursuant to court order; and

21 (2) was not intentional, wilfully or wantonly
22 negligent, or performed with conscious indifference or reckless
23 disregard for the safety of others.

24 (g) A local juvenile probation department or a
25 court-related services office may provide the administrative and
26 other services necessary for supervision of a defendant required to
27 perform community service under this article.

1 SECTION 2. Article 45.051(a-1), Code of Criminal Procedure,
2 is amended to read as follows:

3 (a-1) Notwithstanding any other provision of law, as an
4 alternative to requiring a defendant charged with one or more
5 offenses to make payment of all court costs as required by
6 Subsection (a), the judge may:

7 (1) allow the defendant to enter into an agreement for
8 payment of those costs in installments during the defendant's
9 period of probation;

10 (2) require an eligible defendant to discharge all or
11 part of those costs by performing community service under Article
12 45.049 or 45.0492; or

13 (3) take any combination of actions authorized by
14 Subdivision (1) or (2).

15 SECTION 3. Article 45.057(b), Code of Criminal Procedure,
16 is amended to read as follows:

17 (b) On a finding by a justice or municipal court that a child
18 committed an offense that the court has jurisdiction of under
19 Article 4.11 or 4.14, the court has jurisdiction to enter an order:

20 (1) referring the child or the child's parent for
21 services under Section 264.302, Family Code;

22 (2) requiring that the child attend a special program
23 that the court determines to be in the best interest of the child
24 and, if the program involves the expenditure of municipal or county
25 funds, that is approved by the governing body of the municipality or
26 county commissioners court, as applicable, including a
27 rehabilitation, counseling, self-esteem and leadership, work and

1 job skills training, job interviewing and work preparation,
2 self-improvement, parenting, manners, violence avoidance,
3 tutoring, sensitivity training, parental responsibility, community
4 service, restitution, advocacy, or mentoring program; or

5 (3) requiring that the child's parent do any act or
6 refrain from doing any act that the court determines will increase
7 the likelihood that the child will comply with the orders of the
8 court and that is reasonable and necessary for the welfare of the
9 child, including:

10 (A) attend a parenting class or parental
11 responsibility program; and

12 (B) attend the child's school classes or
13 functions.

14 SECTION 4. The changes in law made by this Act apply only to
15 an offense committed or conduct that occurs on or after the
16 effective date of this Act. An offense committed or conduct that
17 occurs before the effective date of this Act is governed by the law
18 in effect when the offense was committed or the conduct occurred,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense is committed or conduct occurs
21 before the effective date of this Act if any element of the offense
22 or conduct occurs before the effective date.

23 SECTION 5. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1964 was passed by the House on April 20, 2011, by the following vote: Yeas 139, Nays 5, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1964 on May 24, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1964 was passed by the Senate, with amendments, on May 21, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor