

By: Villarreal

H.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

relating to discharging fines and costs assessed against certain juvenile defendants through community service.

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

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

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

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

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

(d) 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 is not liable for damages arising

1 from an act or failure to act in connection with community service
2 performed by a defendant under this article if the act or failure to
3 act:

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

5 (2) was not intentional, wilfully or wantonly
6 negligent, or performed with conscious indifference or reckless
7 disregard for the safety of others.

8 (e) A community supervision and corrections department or a
9 court-related services office may provide the administrative and
10 other services necessary for supervision of a defendant required to
11 perform community service under this article.

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

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

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

21 (2) require an eligible defendant to discharge all or
22 part of those costs by performing community service under Article
23 45.049 or 45.0492; or

24 (3) take any combination of actions authorized by
25 Subdivision (1) or (2).

26 SECTION 3. The changes in law made by this Act apply only to
27 an offense committed or conduct that occurs on or after the

1 effective date of this Act. An offense committed or conduct that
2 occurs before the effective date of this Act is governed by the law
3 in effect when the offense was committed or the conduct occurred,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense is committed or conduct occurs
6 before the effective date of this Act if any element of the offense
7 or conduct occurs before the effective date.

8 SECTION 4. This Act takes effect September 1, 2011.