

1-1 By: Villarreal, et al. H.B. No. 1964
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House April 26, 2011;
1-4 April 29, 2011, read first time and referred to Committee on
1-5 Criminal Justice; May 16, 2011, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 16, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1964 By: Patrick

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to discharging fines and costs assessed against certain
1-12 juvenile defendants through community service.

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

1-14 SECTION 1. Subchapter B, Chapter 45, Code of Criminal
1-15 Procedure, is amended by adding Article 45.0492 to read as follows:

1-16 Art. 45.0492. COMMUNITY SERVICE IN SATISFACTION OF FINE OR
1-17 COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies
1-18 only to a defendant younger than 17 years of age who is assessed a
1-19 fine or costs for a Class C misdemeanor.

1-20 (b) A justice or judge may require a defendant described by
1-21 Subsection (a) to discharge all or part of the fine or costs by
1-22 performing community service. A defendant may discharge an
1-23 obligation to perform community service under this article by
1-24 paying at any time the fine and costs assessed.

1-25 (c) In the justice's or judge's order requiring a defendant
1-26 to perform community service under this article, the justice or
1-27 judge shall specify the number of hours of service the defendant is
1-28 required to perform and may not order more than 200 hours of
1-29 service.

1-30 (d) The justice or judge may order the defendant to perform
1-31 community service work under this article only for a governmental
1-32 entity or a nonprofit organization that provides services to the
1-33 general public that enhance social welfare and the general
1-34 well-being of the community. A governmental entity or nonprofit
1-35 organization that accepts a defendant under this article to perform
1-36 community service must agree to supervise the defendant in the
1-37 performance of the defendant's work and report on the defendant's
1-38 work to the justice or judge who ordered the community service.

1-39 (e) A justice or judge may not order a defendant to perform
1-40 more than 16 hours of community service per week under this article
1-41 unless the justice or judge determines that requiring additional
1-42 hours of work does not cause a hardship on the defendant or the
1-43 defendant's family. For purposes of this subsection, "family" has
1-44 the meaning assigned by Section 71.003, Family Code.

1-45 (f) A sheriff, employee of a sheriff's department, county
1-46 commissioner, county employee, county judge, justice of the peace,
1-47 municipal court judge, or officer or employee of a political
1-48 subdivision other than a county is not liable for damages arising
1-49 from an act or failure to act in connection with community service
1-50 performed by a defendant under this article if the act or failure to
1-51 act:

1-52 (1) was performed pursuant to court order; and
1-53 (2) was not intentional, wilfully or wantonly
1-54 negligent, or performed with conscious indifference or reckless
1-55 disregard for the safety of others.

1-56 (g) A local juvenile probation department or a
1-57 court-related services office may provide the administrative and
1-58 other services necessary for supervision of a defendant required to
1-59 perform community service under this article.

1-60 SECTION 2. Article 45.051(a-1), Code of Criminal Procedure,
1-61 is amended to read as follows:

1-62 (a-1) Notwithstanding any other provision of law, as an
1-63 alternative to requiring a defendant charged with one or more

2-1 offenses to make payment of all court costs as required by
2-2 Subsection (a), the judge may:

2-3 (1) allow the defendant to enter into an agreement for
2-4 payment of those costs in installments during the defendant's
2-5 period of probation;

2-6 (2) require an eligible defendant to discharge all or
2-7 part of those costs by performing community service under Article
2-8 45.049 or 45.0492; or

2-9 (3) take any combination of actions authorized by
2-10 Subdivision (1) or (2).

2-11 SECTION 3. The changes in law made by this Act apply only to
2-12 an offense committed or conduct that occurs on or after the
2-13 effective date of this Act. An offense committed or conduct that
2-14 occurs before the effective date of this Act is governed by the law
2-15 in effect when the offense was committed or the conduct occurred,
2-16 and the former law is continued in effect for that purpose. For
2-17 purposes of this section, an offense is committed or conduct occurs
2-18 before the effective date of this Act if any element of the offense
2-19 or conduct occurs before the effective date.

2-20 SECTION 4. This Act takes effect September 1, 2011.

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