

BILL ANALYSIS

Senate Research Center
88R19346 MCF-F

H.B. 541
By: Longoria (Hinojosa)
Criminal Justice
5/5/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under the Code of Criminal Procedure, judges have the discretion to order defendants under community supervision to either perform community service or make a donation to different charitable organizations. However, some judges and probation officers have raised concerns that current laws are too exclusive and limit the organizations that can receive donations from defendants.

H.B. 541 would expand this list so that defendants could also make donations to organizations that help defendants under community supervision as well as county veterans offices.

H.B. 541 amends current law relating to donations to certain local charities or veterans county service offices ordered to be paid as a condition of community supervision.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42A.304(f), Code of Criminal Procedure, as follows:

(f) Authorizes a judge, instead of requiring the defendant to work a specified number of hours at one or more community service projects under Subsection (a) (relating to authorizing a judge to require as a condition of community supervision that the defendant work a specified number of hours at one or more community service projects for one or more organizations approved by the judge and designated by the Texas Department of State Health Services), to order a defendant to make a specified donation to:

(1) makes no change to this subdivision;

(2) a charitable organization engaged primarily in performing charitable functions in the community in which the defendant resides for defendants under community supervision or for veterans, rather than charitable functions for veterans in the community in which the defendant resides;

(3) a veterans county service office created under Subchapter B (Veterans County Service Offices), Chapter 434, Government Code, and operating in the county in which the defendant resides; or

(4) creates this subdivision from existing text.

SECTION 2. Amends Section 434.032(c), Government Code, to prohibit the commissioners court of a county that maintains a veterans county service office (office) from considering donations made to the office under Article 42A.304(f), Code of Criminal Procedure, for purposes of determining the county's budget for the office.

SECTION 3. Effective date: September 1, 2023.