

BILL ANALYSIS

Senate Research Center
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H.B. 1964
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Criminal Justice
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 a 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.

H.B. 1964 amends current law relating to discharging fines and costs assessed against certain juvenile defendants through community service.

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 Subchapter B, Chapter 45, Code of Criminal Procedure, by adding Article 45.0492, as follows:

Art. 45.0492. COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) Provides that 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) Authorizes a justice or judge to require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service. Authorizes a defendant to discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(c) Requires the justice or judge, in the justice's or judge's order requiring a defendant to perform community service under this article, to specify 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.

(d) Provides that 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 from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act was performed pursuant to court order, and was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(e) 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 this article.

SECTION 2. Amends Article 45.051(a-1), Code of Criminal Procedure, as follows:

(a-1) Authorizes the judge, notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all court costs as required by Subsection (a) (relating to a deferral and order of probation for certain defendants in certain cases), to:

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

(2) require an eligible defendant to discharge all or part of those costs by performing community service under Article 45.049 (Community Service in Satisfaction of Fine or Costs) or 45.0492; or

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

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.