

CHAPTER 727

H.B. No. 1569

An Act relating to a work program for felony probationers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Section 6d to read as follows:

Sec. 6d. (a) A court granting probation to a defendant convicted of a felony may require as a condition of probation that the defendant work a specified number of hours in a work program authorized under this section. The amount of work hours may not be less than 40 hours and may not be more than 1,000 hours. The court may not require the defendant to work more than eight hours during any week. The court shall make a good-faith effort to place the defendant in a type of work for which the defendant's previous job experience makes the defendant most suited.

(b) The director of a probation department may contract with state agencies or political subdivisions of the state, using defendants required to participate in a work program under this section, to perform tasks contracted for by the agency or subdivision. Proceeds from a contract entered into under this subsection shall be used by the probation department to offset expenses incurred by the department in supervising probationers participating in the work program. Any proceeds in excess of the amount needed to offset the expenses, including the purchase of liability insurance and workers' compensation coverage for probationers performing community service work, shall be remitted by the director of the probation department to the Texas Adult Probation Commission. Proceeds received by the commission under this subsection shall be used to offset expenses incurred by the commission in assisting probation departments to establish and administer programs under this section. Any proceeds in excess of the amount needed to offset the expenses shall be remitted by the commission to the comptroller of public accounts, to be deposited in the general revenue fund.

(c) This section does not limit the authority of the court to impose any additional condition of probation authorized by this article.

(d) After a hearing on a motion to revoke probation at which it is proved that the defendant violated one or more conditions of his probation, but before revoking probation, the court shall consider whether, taking into account the nature and seriousness of the violation or violations, the interests of society and of the defendant would best be served by modifying probation to assess a specified number of hours in a work program under this section.

(e) This section may not be used by a court in a manner that results in a loss of jobs by employees of the state or any political subdivision of the state.

(f) State agencies and political subdivisions of the state entering into contracts under this section may require liability and workers' compensation coverage to the maximum of their liability limits as a condition for entry into the contract and may also require that the contracting unit of government and its agents and employees be coinsured under the policies.

SECTION 2. This Act takes effect January 1, 1986.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 16, 1985, by the following vote: Yeas 126, Nays 11, 1 present, not voting; House concurred in Senate amendments to H.B. No. 1569 on May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by a viva-voce vote.

Approved: June 14, 1985

Effective: January 1, 1986