

CHAPTER 298

H.B. No. 930

AN ACT

relating to the authority of a justice of the peace or municipal judge to order community service in satisfaction of fine or costs and to the justice precinct in which persons may be tried or in which a constable may be allowed a fee.

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

SECTION 1. Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.521 to read as follows:

Art. 45.521. COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS. (a) A justice or judge may require a defendant who fails to pay a previously assessed fine or costs, or who is determined by the court to have insufficient resources or income to pay a fine or costs, 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.

(b) In the justice's or judge's order requiring a defendant to participate in community service work under this article, the justice or judge must specify:

- (1) the number of hours the defendant is required to work;*
- (2) the entity or organization for which the defendant is required to work; and*
- (3) the project on which the defendant is required to work.*

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

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to work additional hours does not work a hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged \$50 of fines or costs for each eight hours of community service performed under this article.

(f) 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 manual labor performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

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

SECTION 2. The heading of Article 45.22, Code of Criminal Procedure, is amended to read as follows:

Art. 45.22. OFFENSES IN COUNTIES OF *LESS THAN 2,000,000 AND OVER 225,000*; VENUE; FEE OF CONSTABLE; PENALTIES.

SECTION 3. Section 4, Article 45.22, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. The provisions of this Article shall apply only to counties having a population of *less than 2,000,000 and over 225,000* [~~or over~~] according to the last preceding federal census.

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 4, 1993: Yeas 134, Nays 0, 3 present, not voting; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993.

Effective May 27, 1993.