

**Your Relationship with
Community Service**

Presented by:
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TMCEC Program Coordinator

Objective

- o Discuss how & why community service has changed
- o Look at the statute 45.049 CCP
- o Provide some new tools
- o What agencies are qualified

**Community Service Comes in
FOUR Flavors**

- o A means for defendant to discharge fine and costs (Note: Community Service is as good as \$\$\$)
- o A mandatory remedial measure (status offenses involving juveniles: MIP, DUI, MIC, Tobacco, etc.)
- o A reasonable condition of deferred disposition (Art. 45.051(b)(10) CCP)
- o A means for defendant under age 17 to discharge fines and costs (45.0492)

Past..Present..Future

- o **Past**
 - o no reporting to OCA
 - o no guidance specific to municipal court (pre-CCP45)
- o **Present**
 - o Sensational media stories-debtors prisons
- o **Future**
 - o may become one of the most important issues in the next 5 years

Question 1

- o Defendant has been on a payment plan and defaulted on her last 2 payments. The judge can require community service and enter an order mandating a specific number of hours due by a certain date in lieu of payment.
- o Is this True or False?

Question 2

- o Defendant has \$100 in her pocket. She wants to put all of that down on a balance of \$500. Judge can accept the \$100 and assess \$400 in Community Service.
- o Is this True or False?

Question 3

- o Defendant has \$100 in her pocket. She wants to put all of that down on a balance of \$500. The Judge can order the \$132 in court costs to be paid and \$368 fine to be satisfied by community service.
- o Is this True or False?

Question 4

- o Defendant has been on a payment plan and defaulted on her last 2 payments. She has \$100 in her pocket & wants to put all of that down on a balance of \$500. The Judge must order community service because she missed 2 payments and does not have enough to pay the fine and costs.
- o Is this True or False?

When

Art. 45.049(a) CCP

- o **May** require Community Service for a previously assessed "fine or costs" when defendant
 - o Fails to pay
 - o Insufficient resources to pay
 - o All or Part of fine and or costs

Question 5

- o Defendant has changed his mind and comes back 2 hours later with \$500 to pay in full. The clerk can take the \$500 and clear the case by payment in full.
- o Is this True or False?

**Exception for Payment
Art. 45.049(a) CCP**

- o Defendant **may** pay fine & costs remaining at any time to discharge the "Community Service" obligation

Question 6

- o Defendant is in court for \$500 fine & costs which he alleges he can't pay. The judge may verbally state in open court the defendant must clean the park down the street within the month to discharge the balance due.
- o Is this True or False?

How Ordered
Art. 45.049(b) CCP

- o A written order is required
- o "In the Judge's order"
- o A Judge **MUST**...Specify the number of hours the defendant is required to work

Question 7

- o Defendant is in court for \$500 fine & costs and brings in a letter from his full time supervisor at a local grocery store, who states he worked on a Christmas food drive for 30 hours as a volunteer for their organization. The judge may accept this as Community Service.
- o Is this True or False?

With Whom?
Art. 45.049(c) CCP

- o Only for (a) governmental entity or (b) non profit organization
- o provides service to general public
- o enhances social welfare
- o well being of community

Find Non Profits!

<http://501c3lookup.org/Texas/>

This link will help you find non profits
in your area

Let's test it out!

Responsibility of Agency

Art. 45.049(c) CCP

- o Must accept defendant
- o Agree to supervise the performance of work
- o Agree to report on the work to court of jurisdiction

Monitor & Verify

ORGANIZATION NAME	SUPERVISOR NAME	AUTHORIZED SIGNATURE
Any Town Food Pantry	John Doe	
1234 Anywhere Street	Jane Doe	
Any Town, Texas	Tom Smith	
(512)555-1111	Tammy Smith	

Type of work: Unload trucks of food products and stock shelves of food pantry. Clean, sweep, break down boxes. Load boxes for weekly pick up for qualified recipients.

Hours of operation: 6 days per week, Monday – Saturday, 9 am to 3 pm.

Question 8

- o Defendant is in court for \$500 fine & costs. She asks to work all of her CS hours in the next 2 weeks because she has a break between her old job and her new job. The judge may issue a written order for 50 hours due at the end of a 2 week period.
- o Is this True or False?

Hours Ordered
Art. 45.049(d) CCP

- o Not more than 16 hours per week
- o Exception - If it is not a hardship for defendant or dependents

Minimum Hourly Rate
Art. 45.049(e) CCP

- o Not less than \$50 for each 8 hours worked
 - o Statutory minimum CS wage- \$6.25 per hour
 - o Minimum Wage in Texas-\$7.25

Use a Calculator Tool!

Sample Calculator			
Balance Due	\$642.50	\$475 Fine + 30% + TPF	*Remove before CS calculated (103.0031(d) CCP
Deducted Fees	\$167.50	30% Coll + \$25 TPF	*Assessed but not calculated into CS hrs
Total \$ for CS	\$475.00	Auto Calculated with deducted fees	State Law Requires:
CS Hourly Rate	\$12.50	Enter your CS hourly rate here!	\$50 8 \$6.25 Dollars Per hour Minimum
Total hours due	38	Auto Calculated \$475 / \$12.50	16 7 2.29 Hours Per day Maximum
Today	12/1/2016	Enter today here	
Date Due	1/8/2017	Auto Calc: 38 hours @ 1 hr per day	

Liability -Art. 45.049(f) CCP

- o Not Liable for damages related to manual labor performed by defendant under this article
 - o municipal judge
 - o officer/employee of other political subdivision
 - o Justice of the Peace & other county employees

Liability -Art. 45.049(f) CCP

- o Exception - 45.049(f) 2
- o If an act under this section was intentional, willfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

Reporting

Monthly on OCA:

- o # cases satisfied by partial CS
- o \$ partially satisfied by CS
- o # cases satisfied in full by CS
- o \$ satisfied in full by CS

Suggested Reporting

Be prepared to show an internal report that tells your story:

- o # cases ordered
- o \$ ordered
- o # complete by CS
- o \$ complete by CS

Questions?

Tracie Glaeser
Program Coordinator
tracie@tmcec.com

CASE NUMBER: «CASE_NBR»
CITATION NUMBER: «TICNUM»-«VIOL»-«OCCUR»

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF LEWISVILLE
«FName» «MName» «LName» § DENTON COUNTY, TEXAS
«Name_Suffi»

COMMUNITY SERVICE ORDER

ON «Judged_Dt» the Defendant in the above styled and numbered case personally appeared and, having been found guilty by the Court, was assessed a fine and costs in this case in the amount of \$«Balance». The Court, having determined that the Defendant has insufficient resources to pay said fine and costs, hereby **ORDERS** the Defendant to discharge the (entire) (remaining) balance of the fine and costs owed in this case by performing community service as follows:

The Defendant shall complete a total of _____ hours of community service for a governmental entity or non-profit organization that provides services to the general public that enhance the social welfare and general well-being of the community and shall submit proof of completion of said hours to the Court no later than close of business on

_____, 20____.

Having considered the circumstances of the Defendant, the Court hereby finds that performing more than sixteen (16) hours of community service per week (**will**) (**will not**) work a hardship on the Defendant. The Defendant shall be considered to have discharged \$75.00 of fines or costs for each eight (8) hours of community service performed.

The Defendant has been admonished that failure to perform the community service hours hereby ordered within the time period designated is a violation of this Order and is grounds to hold the Defendant in Contempt of Court which may result in the Defendant's incarceration.

Signed on December 30, 2016

Judge Presiding



DEFENDANT'S PROMISE TO APPEAR

"I understand that I must present proof of compliance with the Court's Order of Community Service to the Lewisville Municipal Court Clerk no later than the date ordered above. If I fail to present said proof as ordered, I promise to appear before the Court at

«Trial_Tm» on _____, 20____

to show cause why I failed to comply with the Court's order. I understand that if I fail to present proof of compliance or fail to appear as promised, a Capias Pro Fine for my arrest may be issued and additional fees may be assessed against me."

Witness my signature on this December 30, 2016.

Defendant

Lewisville Municipal Court

1197 West Main Street
 Lewisville, Texas 75067
 Telephone: (972) 219-3436
 Fax: (972) 219-3708

COMMUNITY SERVICE TIME SHEET

Community Service Provider: _____

Telephone: (____) _____ Date Assigned: _____

Person supervising community service: _____

Total Hours Assigned: _____ Hours to be completed by: _____

Name of Defendant Performing Community Service: «FName» «MName» «LName»

Cause number(s): **Case Number:** «Case_Nbr»

Date	Time In	Time Out	Total Hours	Subtotal Hours	Supervisor Initials/Signature	Defendant's Initials/Signature

“I certify that the above record is a true representation of the number of hours worked for the above period by «FName» «MName» «LName».”

Approved by: _____
 Community Service Provider Representative

 Signature of Defendant

WARNING

Filing false information with the Court is a Class A misdemeanor punishable by up to one year in jail and a maximum fine up to \$4,000.

CASE NUMBER: «CASE_NBR»
CITATION NUMBER: «TICNUM»-«VIOL»-«OCCUR»

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF LEWISVILLE
«FName» «MName» «LName» § DENTON COUNTY, TEXAS
«Name_Suffi»

COMMUNITY SERVICE RULES

While performing community service, you shall comply with the following conditions:

- Contact the service provider within 7 days of this Order to arrange community service;
- Arrive on time and obey the site supervisor;
- Do not carry any sort of weapon;
- Do not deliberately destroy or deface any property or valuable thing of the agency;
- Wear appropriate clothing to work;
- Never accept tips or cash from anyone in association with the community service;
- Do not leave the worksite without permission;
- Do not use abusive or obscene language;
- Timely request an extension of time to complete community service, if needed;
- Contact the Municipal Court with any questions.

Defendant shall complete _____ hours of community service no later than

_____.

The above listed rules are part of this Community Service Order and failure to comply with any of these rules may result in removal from community service, the denial of credit for any service hours performed, a warrant being issued for your arrest and/or incarceration for failure to comply with a court order

“Proof of Compliance” must meet the following requirements

1. Typed-written letter from the agency where the service was performed establishing it as a government entity or non-profit organization;
2. Signed by authorized personnel and accompanied by a telephone number to verify service hours;
3. Including the dates of service, hours served, and a brief description of the service performed;
4. Submitted to the Court no later than the date indicated above.

If you have questions or problems, please contact the Lewisville Municipal Court Clerk’s office between 7:30 a.m. and 4:00 pm Monday through Friday at (972) 219-3671.

WARNING!

Filing false information with the Court is a Class A Misdemeanor punishable by up to one year in jail, a maximum fine up to \$4,000, or both. Any attempt to commit fraud by submitting false information to the Court will be referred to the Denton County District Attorney’s Office for criminal prosecution.

LEWISVILLE MUNICIPAL COURT
APPROVED COMMUNITY SERVICE AGENCIES

Agency	Agency Description	Duties	Offenses Not Accepted	Hours <i>most likely</i> Available
Lewisville Parks Department Parks Maintenance 325 Treatment Plant Rd. Lewisville, TX (972) 219-3550	Park Maintenance	Work with park crew maintaining parks	Accepts all offenses	Seven days a week, 7:00 a.m. until 3:30 p.m. ***An orientation session required prior to acceptance and authorization to begin
Lewisville Recreation Center 2 locations in Lewisville (972) 219-5064	Recreational Center/Activities	Various as needed	Check with agency	Special events as needed Enjoy working with children
(CCA) Christian Community Action 200 S. Mill St. Lewisville (972) 219-4300 or 4301 communityservice@ccahelps.org	Food Pantry/Resale	Various	Accepts all Offenses	Call for information
The Salvation Army Michael Raven 207 Elm St., Lewisville, TX 75057 (972) 353-9400 ext. 202	Assistance for those in need	Sorting donations, light office, pantry	Accepts all Offenses	Mon-Friday 9:00 – 12:00 Saturday 1:00-4:30
Goodwill Industries 919 W. Main Lewisville (972) 436-3181 or 214-638-2800 ext. 241	Assistance for those in need	Resale store	Check with agency	Call for information
Spirit Horse Therapeutic Riding Center 1960 Post Oak Drive Corinth, Texas 76210 (940) 497-2946	Therapeutic horseback riding services	Stable cleaning, animal care, call for more information	Accepts all Offenses	Call for information
Camp Summit 921 Copper Canyon Rd., Argyle, TX (972) 484-8900 ext. 102	Outdoor camp for people with disabilities	Work depending on staff availability	No Assault Offenses	Mon-Fri 9 a.m. to 5 p.m. Weekends 9 a.m. to 5 p.m. Call for appointment
Denton County Mental Health & Mental Retardation (MHMR) Offices in Lewisville and Denton (940) 565-5282	Mental Health Clinic	Assisting therapists, light clerical, arts & crafts	Accepts all Offenses	Mon-Fri 8:00 am to 5:00 pm Call for Appointment
Denton County Habitat for Humanity (940) 484-5006	Home building for low-income families/work in Resale Stores	Light construction, clean-up	No Assault offenses	Call for information
Keep Lewisville Beautiful 189 Elm Street #106 Lewisville, TX (972) 436-5100 info@keeplewisvillebeautiful.org	Association for beautification of Lewisville	Call for information	No Theft or Drug offenses	Call for information

Art. 45.049. 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 the number of hours 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 not less than \$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.

(g) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic Beverage Code, and is a resident of this state. If under Article 45.051(b)(10), Code of Criminal Procedure, the judge requires the defendant to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required governmental entity or nonprofit organization community service in:

(1) the county in which the court is located; or

(2) the county in which the defendant resides, but

only if the entity or organization agrees to:

(A) supervise the defendant in the performance of the defendant's community service work; and

(B) report to the court on the defendant's community service work.

(h) This subsection applies only to a defendant charged with an offense under Section 106.05, Alcoholic Beverage Code, who, under Subsection (g), elects to perform the required community service in the county in which the defendant resides. The community service must comply with Sections 106.071(d) and (e), Alcoholic Beverage Code, except that if the educational programs or services described by Section 106.071(e) are not available in the county of the defendant's residence, the court may order community service that it considers appropriate for rehabilitative purposes.

(i) A community supervision and corrections department or a court-related services office may provide the administrative and other services necessary for supervision of a defendant required to perform community service under this article.

Added by Acts 1993, 73rd Leg., ch. 298, Sec. 1, eff. May 27, 1993. Renumbered from Vernon's Ann.C.C.P. art. 45.521 and amended by Acts 1999, 76th Leg., ch. 1545, Sec. 49, eff. Sept. 1, 1999; Subsec. (e) amended by Acts 2003, 78th Leg., ch. 209, Sec. 66(a), eff. Jan. 1, 2004.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1113 (H.B. 3692), Sec. 5.

Acts 2007, 80th Leg., R.S., Ch. 1263 (H.B. 3060), Sec. 17, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(2), eff. September 1, 2009.

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of a fine or costs imposed on a defendant who defaults in payment if the court determines that:

(1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine and costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

Added by Acts 2007, 80th Leg., R.S., Ch. 1263 (H.B. 3060), Sec. 18, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1320 (S.B. 395), Sec. 4, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1407 (S.B. 393), Sec. 6, eff. September 1, 2013.

Text of article as added by Acts 2011, 82nd Leg., R.S., Ch. 227 (H.B. 350), Sec. 1

For text of article as added by Acts 2011, 82nd Leg., R.S., Ch. 777 (H.B. 1964), Sec. 1, see other Art. 45.0492.

Art. 45.0492. COMMUNITY SERVICE OR TUTORING IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

(a) 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 occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service or attending a tutoring program that is satisfactory to the court. A defendant may discharge an obligation to perform community service or attend a tutoring program under this article by paying at any time the fine and costs assessed.

(c) In the justice's or judge's order requiring a defendant to participate in community service work or a tutoring program under this article, the justice or judge must specify the number of hours the defendant is required to work or attend tutoring.

(d) 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.

(e) A tutoring program that accepts a defendant under this article must agree to supervise the defendant in the attendance of the tutoring program and report on the defendant's work to the justice or judge who ordered the tutoring.

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

(g) A defendant is considered to have discharged not less than \$50 of fines or costs for each eight hours of community service performed or tutoring program attended under this article.

(h) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, officer or employee of a political subdivision other than a county, nonprofit organization, or tutoring program is not liable for damages arising from an act or failure to act in connection with an activity 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, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 227 (H.B. 350), Sec. 1, eff. September 1, 2011.

Text of article as added by Acts 2011, 82nd Leg., R.S., Ch. 777 (H.B. 1964), Sec. 1

For text of article as added by Acts 2011, 82nd Leg., R.S., Ch. 227 (H.B. 350), Sec. 1, see other Art. 45.0492.

Art. 45.0492. COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) 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) A justice or judge may require a defendant described by Subsection (a) 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.

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

(d) 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.

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Sample Calculator		
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Deducted Fees	\$167.50	30% Coll + \$25 TPF
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Today	12/1/2016	Enter today here
Date Due	1/8/2017	Auto Calc 38 hours @ 1 hr per day

*Remove before CS calculated (103.0031(d) CCP

*Assessed but not calculated into CS hrs

State Law Requires:

\$50	8	\$6.25	Dollars	Per hour Minimum
16	7	2.29	Hours	Per day Maximum