

<b>HB 351 (Enrolled)</b>	<b>SB 1913 (Enrolled)</b>
<p>SECTION 9. Article 45.014, Code of Criminal Procedure, is amended by adding Subsections (e), (f), and (g) to read as follows:</p> <p><u>(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:</u></p> <p><u>(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:</u></p> <p><u>(A) a date and time when the defendant must appear before the justice or judge;</u></p> <p><u>(B) the name and address of the court with jurisdiction in the case;</u></p>	<p>SECTION 8. Article 45.014, Code of Criminal Procedure, is amended by adding Subsections (e), (f), and (g) to read as follows:</p> <p><u>(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:</u></p> <p><u>(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:</u></p> <p><u>(A) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge;</u></p> <p><u>(B) the name and address of</u></p>

<p><u>(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and</u></p> <p><u>(D) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and</u></p> <p><u>(2) the defendant fails to appear before the justice or judge as required by this article.</u></p> <p><u>(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.</u></p> <p><u>(g) A justice or judge shall recall an arrest warrant for the defendant's failure to</u></p>	<p><u>the court with jurisdiction in the case;</u></p> <p><u>(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and</u></p> <p><u>(D) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and</u></p> <p><u>(2) the defendant fails to appear before the justice or judge as required by this article.</u></p> <p><u>(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.</u></p> <p><u>(g) A justice or judge shall recall an</u></p>
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<p><u>appear if, before the arrest warrant is executed:</u></p> <p><u>(1) the defendant voluntarily appears to resolve the arrest warrant; and</u></p> <p><u>(2) the arrest warrant is resolved in any manner authorized by this code.</u></p>	<p><u>arrest warrant for the defendant's failure to appear if the defendant voluntarily appears and makes a good faith effort to resolve the arrest warrant before the warrant is executed.</u></p>
<p>SECTION 10. Article 45.016, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.016. <u>PERSONAL BOND; BAIL BOND.</u></p> <p><u>(a) The justice or judge may require the defendant to give a personal bond [<del>bail</del>] to secure the defendant's appearance in accordance with this code.</u></p> <p><u>(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:</u></p> <p><u>(1) the defendant fails to appear in</u></p>	<p>SECTION 9. Article 45.016, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.016. <u>PERSONAL BOND; BAIL BOND.</u></p> <p><u>(a) The justice or judge may require the defendant to give a personal bond [<del>bail</del>] to secure the defendant's appearance in accordance with this code.</u></p> <p><u>(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:</u></p> <p><u>(1) the defendant fails to appear in</u></p>

accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines

that:

(A) the defendant has

sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary to

secure the defendant's appearance in accordance with this code.

(c) If a defendant required to give a bail

bond under Subsection (b) remains in custody, without giving the bond, for more than 48 hours after the issuance of the applicable order, the justice or judge shall reconsider the requirement for the defendant to give the bond.

(d) If the defendant refuses to give a

personal bond or, except as provided by

accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines

that:

(A) the defendant has

sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary

to secure the defendant's appearance in accordance with this code.

(c) If before the expiration of a 48-hour

period following the issuance of the applicable order a defendant described by Subsections (b)(1) and (2) does not give a required bail bond, the justice or judge:

(1) shall reconsider the requirement

for the defendant to give the bail bond and presume that the defendant does not have

<p>Subsection (c), <u>refuses or otherwise fails to give a bail bond</u>, the defendant may be held in custody.</p>	<p><u>sufficient resources or income to give the bond;</u>  <u>and</u>  <u>(2) may require the defendant to give a personal bond.</u>  <u>(d) If the defendant refuses to give a personal bond or, except as provided by Subsection (c), refuses or otherwise fails to give a bail bond</u>, the defendant may be held in custody.</p>
<p>SECTION 11. Article 45.041, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:</p> <p><u>(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the</u></p>	<p>SECTION 10. Article 45.041, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:</p> <p><u>(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the</u></p>

<p>justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:</p> <p>(1) required to be paid at some later date or in a specified portion at designated intervals;</p> <p>(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;</p>	<p>justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:</p> <p>(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;</p> <p>(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;</p>
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<p>(3) <u>waived in full or in part under Article 45.0491; or</u></p> <p>(4) <u>satisfied through any combination of methods under Subdivisions (1)-(3).</u></p> <p>(b) Subject to Subsections (b-2) and (b-3) and <u>Article 45.0491</u>, the justice or judge may direct the defendant:</p> <p>(1) to pay:</p> <p>(A) the entire fine and costs when sentence is pronounced;</p> <p>(B) the entire fine and costs at some later date; or</p> <p>(C) a specified portion of the fine and costs at designated intervals;</p> <p>(2) if applicable, to make restitution to any victim of the offense; and</p> <p>(3) to satisfy any other sanction authorized by law.</p>	<p>(3) <u>waived in full or in part under Article 45.0491; or</u></p> <p>(4) <u>satisfied through any combination of methods under Subdivisions (1)-(3).</u></p> <p>(b) Subject to Subsections (b-2) and (b-3) and <u>Article 45.0491</u>, the justice or judge may direct the defendant:</p> <p>(1) to pay:</p> <p>(A) the entire fine and costs when sentence is pronounced;</p> <p>(B) the entire fine and costs at some later date; or</p> <p>(C) a specified portion of the fine and costs at designated intervals;</p> <p>(2) if applicable, to make restitution to any victim of the offense; and</p> <p>(3) to satisfy any other sanction</p>
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	authorized by law.
<p>SECTION 13. Article 45.045, Code of Criminal Procedure, is amended by adding Subsections (a-2) and (a-3) to read as follows:</p> <p><u>(a-2) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:</u></p> <p><u>(1) the court must provide by regular mail to the defendant notice that includes:</u></p> <p><u>(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and</u></p> <p><u>(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and</u></p> <p><u>(2) either:</u></p> <p><u>(A) the defendant fails to</u></p>	<p>SECTION 12. Article 45.045, Code of Criminal Procedure, is amended by adding Subsections (a-2) and (a-3) to read as follows:</p> <p><u>(a-2) The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing on the defendant's ability to satisfy the judgment and:</u></p> <p><u>(1) the defendant fails to appear at the hearing; or</u></p> <p><u>(2) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.</u></p> <p><u>(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:</u></p> <p><u>(1) the defendant voluntarily appears to resolve the amount owed; and</u></p>



<p><u>appear at the hearing; or</u></p> <p><u>(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.</u></p> <p><u>(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:</u></p> <p><u>(1) the defendant voluntarily appears to resolve the amount owed; and</u></p> <p><u>(2) the amount owed is resolved in any manner authorized by this chapter.</u></p>	<p><u>(2) the amount owed is resolved in any manner authorized by this chapter.</u></p>
<p>SECTION 16. Article 45.049, Code of Criminal Procedure, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsection (c-1) to read as follows:</p> <p>(b) In the justice's or judge's order requiring a defendant to <u>perform</u> [<del>participate in</del>] community service [<del>work</del>] under this article, the justice or judge must specify:</p>	<p>SECTION 15. Article 45.049, Code of Criminal Procedure, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsection (c-1) to read as follows:</p> <p>(b) In the justice's or judge's order requiring a defendant to <u>perform</u> [<del>participate in</del>] community service [<del>work</del>] under this article, the justice or judge must specify:</p>

<p>(1) <u>the number of hours of community service the defendant is required to perform;</u>  <u>and</u></p> <p>(2) <u>the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [work].</u></p> <p>(c) The justice or judge may order the defendant to perform community service [work] under this article:</p> <p>(1) <u>by attending:</u></p> <p>(A) <u>a work and job skills training program;</u></p> <p>(B) <u>a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;</u></p> <p>(C) <u>an alcohol or drug abuse program;</u></p>	<p>(1) <u>the number of hours of community service the defendant is required to perform;</u>  <u>and</u></p> <p>(2) <u>the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [work].</u></p> <p>(c) The justice or judge may order the defendant to perform community service [work] under this article:</p> <p>(1) <u>by attending a work and job skills training program, a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, or similar activity; or</u></p> <p>(2) <u>[only] for:</u></p> <p>(A) <u>a governmental entity;</u></p> <p>(B) <u>[or] a nonprofit</u></p>
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<p>(D) <u>a rehabilitation program;</u></p> <p>(E) <u>a counseling program,</u> <u>including a self-improvement program;</u></p> <p>(F) <u>a mentoring program; or</u></p> <p>(G) <u>any similar activity; or</u></p> <p>(2) <u>[only] for:</u></p> <p>(A) <u>a governmental entity;</u></p> <p>(B) <u>[or] a nonprofit</u> <u>organization or another organization</u> that provides services to the general public that enhance social welfare and the general well- being of the community, <u>as determined by the</u> <u>justice or judge; or</u></p> <p>(C) <u>an educational institution.</u></p> <p>(c-1) <u>An [A—governmental] entity [or</u> <u>nonprofit organization]</u> that accepts a defendant under this article to perform community service must agree to supervise, <u>either on-site or</u></p>	<p><u>organization or another organization</u> that provides services to the general public that enhance social welfare and the general well- being of the community, <u>as determined by the</u> <u>justice or judge; or</u></p> <p>(C) <u>an educational</u> <u>institution.</u></p> <p>(c-1) <u>An [A—governmental] entity [or</u> <u>nonprofit organization]</u> that accepts a defendant under this article to perform community service must agree to supervise, <u>either on-site or</u> <u>remotely,</u> the defendant in the performance of the defendant's <u>community service [work]</u> and report on the defendant's <u>community service</u> <u>[work]</u> to the justice or judge who ordered the <u>[community] service.</u></p> <p>(d) A justice or judge may not order a defendant to perform more than 16 hours per week</p>
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remotely, the defendant in the performance of the defendant's community service [~~work~~] and report on the defendant's community service [~~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 perform [~~work~~] additional hours does not impose an undue [~~work-a~~] hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged not less than \$100 [~~\$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

of community service under this article unless the justice or judge determines that requiring the defendant to perform [~~work~~] additional hours does not impose an undue [~~work-a~~] hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged not less than \$100 [~~\$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 or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with community

<p>employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county <u>or an entity that accepts a defendant under this article to perform community service</u> is not liable for damages arising from an act or failure to act in connection with <u>community service</u> [<del>manual labor</del>] performed by a defendant under this article if the act or failure to act:</p> <p>(1) was performed pursuant to court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p> <p>(g) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic</p>	<p><u>service</u> [<del>manual labor</del>] performed by a defendant under this article if the act or failure to act:</p> <p>(1) was performed pursuant to court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p> <p>(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 [<del>governmental entity or nonprofit organization community</del>]</p>
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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 applicable entity ~~[or organization]~~ agrees to:

(A) supervise, either on-site or remotely, 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]~~.

service in:

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

(2) the county in which the defendant resides, but only if the applicable entity ~~[or organization]~~ agrees to:

(A) supervise, either on-site or remotely, 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]~~.

<p>SECTION 17. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR <u>CERTAIN</u> [<del>INDIGENT</del>] DEFENDANTS AND <u>FOR</u> CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of <u>all or part of</u> a fine or costs imposed on a defendant [<del>who defaults in payment</del>] if the court determines that:</p> <p>(1) the defendant is indigent <u>or does not have sufficient resources or income to pay all or part of the fine or costs</u> or was, at the time the offense was committed, a child as defined by Article 45.058(h); and</p> <p>(2) discharging the fine <u>or</u> [<del>and</del>] costs under Article 45.049 or as otherwise</p>	<p>SECTION 16. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR <u>CERTAIN</u> [<del>INDIGENT</del>] DEFENDANTS AND <u>FOR</u> CHILDREN. (a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of <u>all or part of</u> a fine or costs imposed on a defendant [<del>who defaults in payment</del>] if the court determines that:</p> <p>(1) the defendant is indigent <u>or does not have sufficient resources or income to pay all or part of the fine or costs</u> or was, at the time the offense was committed, a child as defined by Article 45.058(h); and</p> <p>(2) discharging the fine <u>or</u> [<del>and</del>] costs under Article 45.049 or as otherwise</p>
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<p>authorized by this chapter would impose an undue hardship on the defendant.</p>	<p>authorized by this chapter would impose an undue hardship on the defendant.</p> <p><u>(b) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs if the defendant:</u></p> <p><u>(1) is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or</u></p> <p><u>(2) is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a, or was so designated at the time of the offense.</u></p>
<p>SECTION 18. The heading to Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd</p>	<p>SECTION 17. The heading to Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd</p>



Legislature, Regular Session, 2011, is amended to read as follows:

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

SECTION 19. Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (b), (c), (d), (f), (g), and (h) and adding Subsection (d-1) to read as follows:

(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~~

Legislature, Regular Session, 2011, is amended to read as follows:

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

SECTION 18. Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (b), (c), (d), (f), (g), and (h) and adding Subsection (d-1) to read as follows:

(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 perform [~~participate in~~] community service [~~work or a tutoring program~~] under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform;  
and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [~~work or attend tutoring~~].

(d) The justice or judge may order the defendant to perform community service [~~work~~] under this article:

(1) by attending:

~~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 perform [~~participate in~~] community service [~~work or a tutoring program~~] under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform;  
and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [~~work or attend tutoring~~].

(d) The justice or judge may order the defendant to perform community service [~~work~~] under this article:

(1) by attending a tutoring program,

<p><u>(A) a work and job skills training program;</u></p> <p><u>(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;</u></p> <p><u>(C) an alcohol or drug abuse program;</u></p> <p><u>(D) a rehabilitation program;</u></p> <p><u>(E) a counseling program, including a self-improvement program;</u></p> <p><u>(F) a mentoring program;</u></p> <p><u>(G) a tutoring program; or</u></p> <p><u>(H) any similar activity; or</u></p> <p><u>(2) [only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [or] a nonprofit organization or another organization that provides services to the general public that</u></p>	<p><u>work and job skills training program, preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, or similar activity; or</u></p> <p><u>(2) [only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [or] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or</u></p> <p><u>(C) an educational institution.</u></p> <p><u>(d-1) An [A governmental] entity [or nonprofit organization] that accepts a defendant under this article to perform community service</u></p>
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enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~ and report on the defendant's community service ~~[work]~~ to the justice or judge who ordered the ~~[community]~~ service.

(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

must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~ and report on the defendant's community service ~~[work]~~ to the justice or judge who ordered the ~~[community]~~ service.

(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 the defendant to perform additional hours ~~[of work or tutoring]~~ does not impose an undue ~~[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

that requiring the defendant to perform additional hours [~~of work or tutoring~~] does not impose an undue [~~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 \$100 [~~\$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, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service [~~, nonprofit~~

discharged not less than \$100 [~~\$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, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service [~~, nonprofit organization, or tutoring program~~] is not liable for damages arising from an act or failure to act in connection with community service [~~an activity~~] performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

<p><del>organization, or tutoring program</del>] is not liable for damages arising from an act or failure to act in connection with <u>community service</u> [<del>an activity</del>] performed by a defendant under this article if the act or failure to act:</p> <p>(1) was performed pursuant to court order; and</p> <p>(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p>	<p>(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p>
<p>SECTION 20. Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsections (d-1) and (h) to read as follows:</p> <p>(c) In the justice's or judge's order</p>	<p>SECTION 19. Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsections (d-1) and (h) to read as follows:</p> <p>(c) In the justice's or judge's order</p>

requiring a defendant to perform community service under this article, the justice or judge shall specify:

(1) the number of hours of community service the defendant is required to perform, ~~[and may]~~ not to exceed ~~[order more than]~~ 200 hours; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the

requiring a defendant to perform community service under this article, the justice or judge shall specify:

(1) the number of hours of community service the defendant is required to perform, ~~[and may]~~ not to exceed ~~[order more than]~~ 200 hours; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending a work and job skills training program, preparatory class for the high school equivalency examination administered under Section 7.111, Education

<p>high school equivalency examination administered under Section 7.111, Education Code;</p> <p><u>(C) an alcohol or drug abuse program;</u></p> <p><u>(D) a rehabilitation program;</u></p> <p><u>(E) a counseling program, including a self-improvement program;</u></p> <p><u>(F) a mentoring program; or</u></p> <p><u>(G) any similar activity; or</u></p> <p><u>(2) [only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [or] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or</u></p> <p><u>(C) an educational institution.</u></p>	<p>Code, or similar activity; or</p> <p><u>(2) [only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [or] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or</u></p> <p><u>(C) an educational institution.</u></p> <p><u>(d-1) An [A—governmental] entity [or nonprofit organization] that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service</u></p>
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(d-1) An [~~A governmental~~] entity [~~or nonprofit organization~~] that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [~~work~~] and report on the defendant's community service [~~work~~] to the justice or judge who ordered the [~~community~~] service.

(e) A justice or judge may not order a defendant to perform more than 16 hours of community service per week under this article unless the justice or judge determines that requiring the defendant to perform additional hours [~~of work~~] does not impose an undue [~~cause~~ a] hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section

[~~work~~] to the justice or judge who ordered the [~~community~~] service.

(e) A justice or judge may not order a defendant to perform more than 16 hours of community service per week under this article unless the justice or judge determines that requiring the defendant to perform additional hours [~~of work~~] does not impose an undue [~~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.

(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 or an entity that accepts a defendant under this

<p>71.003, Family Code.</p> <p>(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 <u>or an entity that accepts a defendant under this article to perform community service</u> 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:</p> <p>(1) was performed pursuant to court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p>	<p><u>article to perform community service</u> 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:</p> <p>(1) was performed pursuant to court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p> <p><u>(h) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.</u></p>
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<p><u>(h) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.</u></p>	
<p>SECTION 4. Article 42.15, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:</p> <p><u>(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the</u></p>	<p>SECTION 4. Article 42.15, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:</p> <p><u>(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or</u></p>

<p>fine and costs, the court shall determine whether the fine and costs should be:</p> <p>(1) required to be paid at some later date or in a specified portion at designated intervals;</p> <p>(2) discharged by performing community service under, as applicable, Article 43.09(f), Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;</p> <p>(3) waived in full or in part under Article 43.091 or 45.0491; or</p> <p>(4) satisfied through any combination of methods under Subdivisions (1)-(3).</p> <p>(b) Subject to Subsections (c) and (d) and</p>	<p>income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:</p> <p>(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;</p> <p>(2) discharged by performing community service under, as applicable, Article 43.09(f), Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;</p> <p>(3) waived in full or in part under Article 43.091 or 45.0491; or</p> <p>(4) satisfied through any combination of methods under Subdivisions (1)-</p>
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<p><u>Article 43.091</u>, when imposing a fine and costs, a court may direct a defendant:</p> <p>(1) to pay the entire fine and costs when sentence is pronounced;</p> <p>(2) to pay the entire fine and costs at some later date; or</p> <p>(3) to pay a specified portion of the fine and costs at designated intervals.</p>	<p><u>(3)</u>.</p> <p>(b) Subject to Subsections (c) and (d) and <u>Article 43.091</u>, when imposing a fine and costs, a court may direct a defendant:</p> <p>(1) to pay the entire fine and costs when sentence is pronounced;</p> <p>(2) to pay the entire fine and costs at some later date; or</p> <p>(3) to pay a specified portion of the fine and costs at designated intervals.</p>
<p>SECTION 6. Article 43.05, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:</p> <p><u>(a-1) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:</u></p> <p><u>(1) the court must provide by regular mail to the defendant notice that includes:</u></p>	<p>SECTION 5. Article 43.05, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:</p> <p><u>(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing on the defendant's ability to satisfy the judgment and:</u></p>

<p><u>(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and</u></p> <p><u>(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and</u></p> <p><u>(2) either:</u></p> <p><u>(A) the defendant fails to appear at the hearing; or</u></p> <p><u>(B) based on evidence presented at the hearing, the court determines that the <u>capias pro fine should be issued.</u></u></p> <p><u>(a-2) The court shall recall a <u>capias pro fine if, before the <u>capias pro fine is executed:</u></u></u></p> <p><u>(1) the defendant voluntarily appears to resolve the amount owed; and</u></p> <p><u>(2) the amount owed is resolved in</u></p>	<p><u>(1) the defendant fails to appear at the hearing; or</u></p> <p><u>(2) based on evidence presented at the hearing, the court determines that the <u>capias pro fine should be issued.</u></u></p> <p><u>(a-2) The court shall recall a <u>capias pro fine if, before the <u>capias pro fine is executed:</u></u></u></p> <p><u>(1) the defendant voluntarily appears to resolve the amount owed; and</u></p> <p><u>(2) the amount owed is resolved in any manner authorized by this code.</u></p>
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<p><u>any manner authorized by this code.</u></p>	
<p>SECTION 7. Article 43.09, Code of Criminal Procedure, is amended by amending Subsections (a), (g), (h), (j), and (l) and adding Subsection (h-1) to read as follows:</p> <p>(a) When a defendant is convicted of a misdemeanor and <u>the defendant's</u> [<del>his</del>] punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if <u>the defendant</u> [<del>he</del>] is unable to pay the fine and costs adjudged against <u>the defendant</u> [<del>him</del>], <u>the defendant</u> [<del>he</del>] may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the</p>	<p>SECTION 6. Article 43.09, Code of Criminal Procedure, is amended by amending Subsections (a), (g), (h), (j), and (l) and adding Subsection (h-1) to read as follows:</p> <p>(a) When a defendant is convicted of a misdemeanor and <u>the defendant's</u> [<del>his</del>] punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if <u>the defendant</u> [<del>he</del>] is unable to pay the fine and costs adjudged against <u>the defendant</u> [<del>him</del>], <u>the defendant</u> [<del>he</del>] may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the</p>

county, as provided in Article 43.10 [~~the~~  
~~succeeding article~~]; or if there is [~~be~~] no such  
county jail industries program, workhouse, farm,  
or improvements and maintenance projects, the  
defendant [~~he~~] shall be confined in jail for a  
sufficient length of time to discharge the full  
amount of fine and costs adjudged against the  
defendant [~~him~~]; rating such confinement at \$100  
[~~\$50~~] for each day and rating such labor at \$100  
[~~\$50~~] for each day; provided, however, that the  
defendant may pay the pecuniary fine assessed  
against the defendant [~~him~~] at any time while  
the defendant [~~he~~] is serving at work in the  
county jail industries program, in the  
workhouse, or on the county farm, or on the  
public improvements and maintenance projects of  
the county or a political subdivision located in  
whole or in part in the county, or while the

county, as provided in Article 43.10 [~~the~~  
~~succeeding article~~]; or if there is [~~be~~] no such  
county jail industries program, workhouse, farm,  
or improvements and maintenance projects, the  
defendant [~~he~~] shall be confined in jail for a  
sufficient length of time to discharge the full  
amount of fine and costs adjudged against the  
defendant [~~him~~]; rating such confinement at \$100  
[~~\$50~~] for each day and rating such labor at \$100  
[~~\$50~~] for each day; provided, however, that the  
defendant may pay the pecuniary fine assessed  
against the defendant [~~him~~] at any time while  
the defendant [~~he~~] is serving at work in the  
county jail industries program, in the  
workhouse, or on the county farm, or on the  
public improvements and maintenance projects of  
the county or a political subdivision located in  
whole or in part in the county, or while the



defendant [~~he~~] is serving the defendant's [~~his~~] jail sentence, and in such instances the defendant is [~~he shall be~~] entitled to the credit [~~he has~~] earned under this subsection during the time that the defendant [~~he~~] has served and the defendant [~~he~~] shall only be required to pay the [~~his~~] balance of the pecuniary fine assessed against the defendant [~~him~~]. A defendant who performs labor under this article during a day in which the defendant [~~he~~] is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(g) In the court's [~~its~~] order requiring a defendant to perform [~~participate in~~] community service [~~work~~] under Subsection (f) [~~of this article~~], the court must specify:

- (1) the number of hours of community

defendant [~~he~~] is serving the defendant's [~~his~~] jail sentence, and in such instances the defendant is [~~he shall be~~] entitled to the credit [~~he has~~] earned under this subsection during the time that the defendant [~~he~~] has served and the defendant [~~he~~] shall only be required to pay the [~~his~~] balance of the pecuniary fine assessed against the defendant [~~him~~]. A defendant who performs labor under this article during a day in which the defendant [~~he~~] is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(g) In the court's [~~its~~] order requiring a defendant to perform [~~participate in~~] community service [~~work~~] under Subsection (f) [~~of this article~~], the court must specify:

- (1) the number of hours of community

<p><u>service</u> the defendant is required to <u>perform</u> <del>[work]</del>; <del>[and]</del></p> <p>(2) whether the community supervision and corrections department or a court-related services office will perform the administrative duties required by the placement of the defendant in the community service program; <u>and</u></p> <p><u>(3) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.</u></p> <p>(h) The court may order the defendant to perform community service <del>[work]</del> under Subsection (f):</p> <p><u>(1) by attending:</u></p> <p><u>(A) a work and job skills training program;</u></p> <p><u>(B) a preparatory class for the</u></p>	<p><u>service</u> the defendant is required to <u>perform</u> <del>[work]</del>; <del>[and]</del></p> <p>(2) whether the community supervision and corrections department or a court-related services office will perform the administrative duties required by the placement of the defendant in the community service program; <u>and</u></p> <p><u>(3) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.</u></p> <p>(h) The court may order the defendant to perform community service <del>[work]</del> under Subsection (f):</p> <p><u>(1) by attending a work and job skills training program, preparatory class for the high school equivalency examination</u></p>
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<p>high school equivalency examination administered under Section 7.111, Education Code;</p> <p><u>(C) an alcohol or drug abuse program;</u></p> <p><u>(D) a rehabilitation program;</u></p> <p><u>(E) a counseling program, including a self-improvement program;</u></p> <p><u>(F) a mentoring program; or</u></p> <p><u>(G) any similar activity; or</u></p> <p><u>(2) [of this article only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [of] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or</u></p> <p><u>(C) an educational institution.</u></p>	<p>administered under Section 7.111, Education Code, or similar activity; or</p> <p><u>(2) [of this article only] for:</u></p> <p><u>(A) a governmental entity;</u></p> <p><u>(B) [of] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or</u></p> <p><u>(C) an educational institution.</u></p> <p><u>(h-1) An [A—governmental] entity [of nonprofit organization] that accepts a defendant under Subsection (f) [of this article] to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's</u></p>
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(h-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under Subsection (f) ~~[of this article]~~ to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the district probation department or court-related services office.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) ~~[of this article]~~ unless the court determines that requiring the defendant to perform [work] additional hours does not impose an undue [work-a] hardship on the defendant or the defendant's dependents.

(l) A sheriff, employee of a sheriff's

community service [work] and report on the defendant's community service [work] to the district probation department or court-related services office.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) ~~[of this article]~~ unless the court determines that requiring the defendant to perform [work] additional hours does not impose an undue [work-a] hardship on the defendant or the defendant's dependents.

(l) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, an employee of a community corrections and supervision department, restitution center, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant

<p>department, county commissioner, county employee, county judge, an employee of a community corrections and supervision department, restitution center, or officer or employee of a political subdivision other than a county <u>or an entity that accepts a defendant under this article to perform community service</u> is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate <u>or community service performed by a defendant under</u> [<del>pursuant to</del>] this article if the act or failure to act:</p> <p>(1) was performed pursuant to confinement or other court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p>	<p><u>under this article to perform community service</u> is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate <u>or community service performed by a defendant under</u> [<del>pursuant to</del>] this article if the act or failure to act:</p> <p>(1) was performed pursuant to confinement or other court order; and</p> <p>(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.</p>
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