

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 42. JUDGMENT AND SENTENCE

Art. 42.12. COMMUNITY SUPERVISION.

Community Service

Sec. 16. (a) A judge may require as a condition of community supervision that the defendant work a specified number of hours at a community service project or projects for an organization or organizations approved by the judge and designated by the department. The judge may not require that a defendant work at a community service project if the judge determines and notes on the order placing the defendant on community supervision that:

(1) the defendant is physically or mentally incapable of participating in the project;

(2) participating in the project will work a hardship on the defendant or the defendant's dependents;

(3) the defendant is to be confined in a substance abuse punishment facility as a condition of community supervision; or

(4) there is other good cause shown.

(b) The amount of community service work ordered by the judge:

(1) may not exceed 1,000 hours for an offense classified as a first degree felony;

(2) may not exceed 800 hours for an offense classified as a second degree felony;

(3) may not exceed 600 hours for an offense classified as a third degree felony;

(4) may not exceed 400 hours for an offense classified as a state jail felony;

(5) may not:

(A) exceed 600 hours for an offense under Section 30.04, Penal Code, classified as a Class A misdemeanor; or

(B) exceed 200 hours for any other offense classified as a Class A misdemeanor or for any other misdemeanor for which the maximum permissible confinement, if any, exceeds six months or the maximum permissible fine, if any, exceeds \$4,000; and

(6) may not exceed 100 hours for an offense classified as a Class B misdemeanor or for any other misdemeanor for which the maximum permissible confinement, if any, does not exceed six months and the maximum permissible fine, if any, does not exceed \$4,000.

(c) A defendant required to perform community service under this section is not a state employee for the purposes of Article 8309g or 8309h, Revised Statutes.

(d) If the court makes an affirmative finding under Article 42.014 of this code, the judge may order the defendant to perform community service under this section at a project designated by the judge that primarily serves the person or group who was the target of the defendant. If the judge orders community service under this subsection the judge shall order the defendant to perform not less than:

(1) 100 hours of service if the offense is a misdemeanor; or

(2) 300 hours of service if the offense is a felony.

(e) A defendant required to perform community service under this section after conviction of an offense under Section 352.082, Local Government Code, shall perform 60 hours of service. The community service must consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located.

(f) In lieu of requiring a defendant to work a specified number of hours at a community service project or projects under Subsection (a), the judge may order a defendant to make a specified donation to a nonprofit food bank or food pantry in the community in which the defendant resides.

(g) If the judge orders a defendant placed on community supervision for an offense involving possession, manufacture, or delivery of a controlled substance under Chapter 481, Health and Safety Code, to perform community service, the judge may authorize the defendant to perform not more than 30 hours of community outreach under this subsection in lieu of hours of community service. Community outreach under this subsection consists of working in conjunction with a secondary school at the direction of the judge to educate students on the dangers and legal consequences of possessing, manufacturing, or delivering controlled substances. A secondary school is not required to allow a defendant to perform community outreach at that school. The judge may not authorize the defendant to perform hours of community outreach under this subsection in lieu of hours of community service if:

(1) the defendant is physically or mentally incapable of participating in community outreach; or

(2) the defendant is subject to registration as a sex offender under Chapter 62.

Added by Acts 2011, 82nd Leg., R.S., Ch. 491, Sec. 1, eff. September 1, 2011.