

## **TEX CR. CODE ANN. § 45.049 : Texas Statutes –**

### **Article 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.**

*Text of subsection effective on January 1, 2008, on approval by the voters of H.J.R. 6, 80th Leg., R.S.*

*Text of subsection as added by Acts 2007, 80th Leg., R.S.*

*According to Section 7, Ch. 1113, Acts 80th Leg., R.S., Subsection (g) takes effect September 1, 2007.*

**(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.**

*Text of subsection as added by Acts 2007, 80th Leg., R.S.*

**(g) 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.**

*Text of subsection effective on January 1, 2008, on approval by the voters of H.J.R. 6, 80th Leg., R.S.*

*According to Section 7, Ch. 1113, Acts 80th Leg., R.S., Subsection (h) takes effect September 1, 2007.*

**(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.**

*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. Sec. 17, eff. September 1, 2007.*