

SUBJECT: Court administrative fees for offender community service programs.

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Gallego, Christian, Fletcher, Kent, Miklos, Moody, Pierson, Riddle, Vo

0 nays — None

1 present, not voting — Hodge

1 absent — Vaught

WITNESSES: For — Marc Mendez, Tarrant County (*Registered, but did not testify*: Craig Pardue, Dallas County; Cindy Segovia, Bexar County)

Against — (*Registered, but did not testify*: Diana Claitor, Texas Jail Project)

DIGEST: HB 483 would authorize a court to order a defendant to pay an administrative fee of \$50 or less if the defendant was required by the court to perform community service. It also would require a defendant performing community service in lieu of serving time in a county jail to pay an administrative fee of \$50 or less if ordered by the court.

The bill would take effect September 1, 2009, and would apply only to offenses committed on or after the effective date.

SUPPORTERS SAY: HB 483 would help alleviate the financial burden courts face in coordinating community service programs by allowing them to order an administrative fee of up to \$50 from defendants required to perform community service. The bill would give the courts discretion over the fee amount in order to allow it to be imposed at varying levels, or not at all, depending on the circumstances.

The bill would ease the pressure of cost considerations from a judge's decision-making process and likely increase the number of community service judgments. Community service judgments allow non-violent offenders to maintain jobs and reserve available beds in a jail for more

violent offenders. Because judges consider the offender's financial circumstances before sentencing, the bill would not result in offenders' rehabilitation being hindered by the fee.

OPPONENTS
SAY:

HB 483 would hinder the rehabilitation of offenders who are overburdened with fees in the criminal justice system at a time when their ability to earn money is limited. Offenders struggle to change their lives to comply with court mandates, and adding an additional court fee could increase recidivism rates.

NOTES:

The companion bill, SB 919 by Harris, has been referred to the Senate Criminal Justice Committee.