

By: Sanford, Rose, Thierry, White, Crockett,
et al.

H.B. No. 569

A BILL TO BE ENTITLED

AN ACT

relating to credit toward payment of a fine and costs for certain
misdemeanants confined in jail or prison before sentencing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.014(e), Code of Criminal Procedure,
as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature,
Regular Session, 2017, is amended to read as follows:

(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:

(1) the justice or judge provides by telephone or
regular mail to the defendant notice that includes:

(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;

(B) the name and address of the court with
jurisdiction in the case;

(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;

(D) a statement that the defendant may be
entitled to a credit toward any fine or costs owed by the defendant
if the defendant was confined in jail or prison after the commission

1 of the offense for which the notice is given; and

2 (E) [~~(D)~~] an explanation of the consequences if
3 the defendant fails to appear before the justice or judge as
4 required by this article; and

5 (2) the defendant fails to appear before the justice
6 or judge as required by this article.

7 SECTION 2. Article 45.041, Code of Criminal Procedure, is
8 amended by amending Subsection (c) and adding Subsection (c-1) to
9 read as follows:

10 (c) The justice or judge shall credit the defendant for time
11 served in jail as provided by Article 42.03. The credit under this
12 subsection shall be applied to the amount of the fine and costs at
13 the rate provided by Article 45.048.

14 (c-1) In addition to credit under Subsection (c), in
15 imposing a fine and costs in a case involving a misdemeanor
16 punishable by a fine only, the justice or judge shall credit the
17 defendant for any time the defendant was confined in jail or prison
18 while serving a sentence for another offense if that confinement
19 occurred after the commission of the misdemeanor. The credit under
20 this subsection shall be applied to the amount of the fine and costs
21 at the rate of not less than \$150 for each day of confinement.

22 SECTION 3. Article 45.048, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed
25 in jail on account of failure to pay the fine and costs shall be
26 discharged on habeas corpus by showing that the defendant:

27 (1) is too poor to pay the fine and costs; or

1 (2) has remained in jail a sufficient length of time to
2 satisfy the fine and costs, at the rate of not less than \$150 [~~\$100~~]
3 for each period served, as specified by the convicting court in the
4 judgment in the case.

5 (b) A convicting court may specify a period that is not less
6 than eight hours or more than 24 hours as the period for which a
7 defendant who fails to pay the fine and costs in the case must
8 remain in jail to satisfy \$150 [~~\$100~~] of the fine and costs.

9 SECTION 4. Article 45.014(e), Code of Criminal Procedure,
10 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,
11 Regular Session, 2017, is repealed.

12 SECTION 5. Article 45.041(c-1), Code of Criminal Procedure,
13 as added by this Act, applies to a defendant who is sentenced for an
14 offense on or after the effective date of this Act, regardless of
15 whether the offense is committed before, on, or after the effective
16 date of this Act.

17 SECTION 6. Article 45.048, Code of Criminal Procedure, as
18 amended by this Act, applies to a defendant who is placed in jail on
19 or after the effective date of this Act for failure to pay the fine
20 and costs imposed on conviction of an offense, regardless of
21 whether the offense for which the defendant was convicted was
22 committed before, on, or after the effective date of this Act.

23 SECTION 7. This Act takes effect September 1, 2021.