

1-1 By: Sanford, et al. (Senate Sponsor - West) H.B. No. 569  
 1-2 (In the Senate - Received from the House April 14, 2021;  
 1-3 April 19, 2021, read first time and referred to Committee on  
 1-4 Criminal Justice; May 6, 2021, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 |     |     | X      |     |

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to credit toward payment of a fine and costs for certain  
 1-18 misdemeanants confined in jail or prison before sentencing.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 45.014(e), Code of Criminal Procedure,  
 1-21 as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature,  
 1-22 Regular Session, 2017, is amended to read as follows:

1-23 (e) A justice or judge may not issue an arrest warrant for  
 1-24 the defendant's failure to appear at the initial court setting,  
 1-25 including failure to appear as required by a citation issued under  
 1-26 Article 14.06(b), unless:

1-27 (1) the justice or judge provides by telephone or  
 1-28 regular mail to the defendant notice that includes:

1-29 (A) a date and time, occurring within the 30-day  
 1-30 period following the date that notice is provided, when the  
 1-31 defendant must appear before the justice or judge;

1-32 (B) the name and address of the court with  
 1-33 jurisdiction in the case;

1-34 (C) information regarding alternatives to the  
 1-35 full payment of any fine or costs owed by the defendant, if the  
 1-36 defendant is unable to pay that amount;

1-37 (D) a statement that the defendant may be  
 1-38 entitled to a credit toward any fine or costs owed by the defendant  
 1-39 if the defendant was confined in jail or prison after the commission  
 1-40 of the offense for which the notice is given; and

1-41 (E) ~~(D)~~ (E) an explanation of the consequences if  
 1-42 the defendant fails to appear before the justice or judge as  
 1-43 required by this article; and

1-44 (2) the defendant fails to appear before the justice  
 1-45 or judge as required by this article.

1-46 SECTION 2. Article 45.041, Code of Criminal Procedure, is  
 1-47 amended by amending Subsection (c) and adding Subsection (c-1) to  
 1-48 read as follows:

1-49 (c) The justice or judge shall credit the defendant for time  
 1-50 served in jail as provided by Article 42.03. The credit under this  
 1-51 subsection shall be applied to the amount of the fine and costs at  
 1-52 the rate provided by Article 45.048.

1-53 (c-1) In addition to credit under Subsection (c), in  
 1-54 imposing a fine and costs in a case involving a misdemeanor  
 1-55 punishable by a fine only, the justice or judge shall credit the  
 1-56 defendant for any time the defendant was confined in jail or prison  
 1-57 while serving a sentence for another offense if that confinement  
 1-58 occurred after the commission of the misdemeanor. The credit under  
 1-59 this subsection shall be applied to the amount of the fine and costs  
 1-60 at the rate of not less than \$150 for each day of confinement.

1-61 SECTION 3. Article 45.048, Code of Criminal Procedure, is

2-1 amended to read as follows:

2-2 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed  
2-3 in jail on account of failure to pay the fine and costs shall be  
2-4 discharged on habeas corpus by showing that the defendant:

2-5 (1) is too poor to pay the fine and costs; or

2-6 (2) has remained in jail a sufficient length of time to  
2-7 satisfy the fine and costs, at the rate of not less than \$150 [~~\$100~~]  
2-8 for each period served, as specified by the convicting court in the  
2-9 judgment in the case.

2-10 (b) A convicting court may specify a period that is not less  
2-11 than eight hours or more than 24 hours as the period for which a  
2-12 defendant who fails to pay the fine and costs in the case must  
2-13 remain in jail to satisfy \$150 [~~\$100~~] of the fine and costs.

2-14 SECTION 4. Article 45.014(e), Code of Criminal Procedure,  
2-15 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,  
2-16 Regular Session, 2017, is repealed.

2-17 SECTION 5. Article 45.041(c-1), Code of Criminal Procedure,  
2-18 as added by this Act, applies to a defendant who is sentenced for an  
2-19 offense on or after the effective date of this Act, regardless of  
2-20 whether the offense is committed before, on, or after the effective  
2-21 date of this Act.

2-22 SECTION 6. Article 45.048, Code of Criminal Procedure, as  
2-23 amended by this Act, applies to a defendant who is placed in jail on  
2-24 or after the effective date of this Act for failure to pay the fine  
2-25 and costs imposed on conviction of an offense, regardless of  
2-26 whether the offense for which the defendant was convicted was  
2-27 committed before, on, or after the effective date of this Act.

2-28 SECTION 7. This Act takes effect September 1, 2021.

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