

By: Vasut, Cook

H.B. No. 2380

A BILL TO BE ENTITLED

1 AN ACT
2 relating to credit toward payment of fines and costs for certain
3 defendants.

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

5 SECTION 1. Articles 43.09(a) and (k), Code of Criminal
6 Procedure, are amended to read as follows:

7 (a) When a defendant is convicted of a misdemeanor and the
8 defendant's punishment is assessed at a pecuniary fine or is
9 confined in a jail after conviction of a felony for which a fine is
10 imposed, if the defendant is unable to pay the fine and costs
11 adjudged against the defendant, the defendant may for such time as
12 will satisfy the judgment be put to work in the county jail
13 industries program, in the workhouse, or on the county farm, or
14 public improvements and maintenance projects of the county or a
15 political subdivision located in whole or in part in the county, as
16 provided in Article 43.10; or if there is no such county jail
17 industries program, workhouse, farm, or improvements and
18 maintenance projects, the defendant shall be confined in jail for a
19 sufficient length of time to discharge the full amount of fine and
20 costs adjudged against the defendant; rating such confinement at
21 \$150 [~~\$100~~] for each day and rating such labor at \$150 [~~\$100~~] for
22 each day; provided, however, that the defendant may pay the
23 pecuniary fine assessed against the defendant at any time while the
24 defendant is serving at work in the county jail industries program,

1 in the workhouse, or on the county farm, or on the public
2 improvements and maintenance projects of the county or a political
3 subdivision located in whole or in part in the county, or while the
4 defendant is serving the defendant's jail sentence, and in such
5 instances the defendant is entitled to the credit earned under this
6 subsection during the time that the defendant has served and the
7 defendant shall only be required to pay the balance of the pecuniary
8 fine assessed against the defendant. A defendant who performs labor
9 under this article during a day in which the defendant is confined
10 is entitled to both the credit for confinement and the credit for
11 labor provided by this article.

12 (k) A defendant is considered to have discharged \$150 [~~\$100~~]
13 of fines or costs for each eight hours of community service
14 performed under Subsection (f) of this article.

15 SECTION 2. Article 45.041(c-1), Code of Criminal Procedure,
16 is amended to read as follows:

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

26 SECTION 3. Article 45.049(e), Code of Criminal Procedure,
27 is amended to read as follows:

1 (e) A defendant is considered to have discharged not less
2 than \$150 [~~\$100~~] of fines or costs for each eight hours of community
3 service performed under this article.

4 SECTION 4. Article 45.0492(g), Code of Criminal Procedure,
5 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
6 Regular Session, 2011, is amended to read as follows:

7 (g) A defendant is considered to have discharged not less
8 than \$150 [~~\$100~~] of fines or costs for each eight hours of community
9 service performed under this article.

10 SECTION 5. Article 45.0492(h), Code of Criminal Procedure,
11 as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
12 Regular Session, 2011, is amended to read as follows:

13 (h) A defendant is considered to have discharged not less
14 than \$150 [~~\$100~~] of fines or costs for each eight hours of community
15 service performed under this article.

16 SECTION 6. Article 43.09(a), Code of Criminal Procedure, as
17 amended by this Act, applies to a defendant who is confined or
18 performs labor to discharge fines or costs on or after the effective
19 date of this Act, regardless of whether the offense for which the
20 fines or costs were imposed occurred before, on, or after the
21 effective date of this Act.

22 SECTION 7. The changes in law made by this Act to Articles
23 43.09(k) and 45.049(e), Code of Criminal Procedure, Article
24 45.0492(g), Code of Criminal Procedure, as added by Chapter 227
25 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011,
26 and Article 45.0492(h), Code of Criminal Procedure, as added by
27 Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular

1 Session, 2011, apply to a defendant who performs community service
2 to discharge fines or costs on or after the effective date of this
3 Act, regardless of whether the offense for which the fines or costs
4 were imposed occurred before, on, or after the effective date of
5 this Act.

6 SECTION 8. Article [45.041\(c-1\)](#), Code of Criminal Procedure,
7 as amended by this Act, applies to a defendant who is sentenced for
8 an offense on or after the effective date of this Act, regardless of
9 whether the offense was committed before, on, or after that date.

10 SECTION 9. This Act takes effect September 1, 2023.