

By: J. Johnson of Harris

H.B. No. 2909

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of fines and costs for a defendant who is younger than 18 years of age.

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

SECTION 1. Articles 45.041(b-3) and (b-6), Code of Criminal Procedure, are amended to read as follows:

(b-3) A judge may require ~~[allow]~~ a defendant who is a child, as defined by Article 45.058(h), ~~[to elect]~~ at the time of conviction, as defined by Section 133.101, Local Government Code, to receive ~~[discharge the fine and costs by:~~

~~[(1) performing community service or receiving]~~ tutoring under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011~~[, or~~

~~[(2) paying the fine and costs in a manner described by Subsection (b)].~~

(b-6) Notwithstanding Subsection (a-1) or any other provision of this chapter, when imposing a fine and costs, the justice or judge may not require a defendant who is younger than 18 years of age ~~[under the conservatorship of the Department of Family and Protective Services or in extended foster care as provided by Subchapter C, Chapter 263, Family Code,~~] to pay any amount of the fine and costs. In lieu of the payment of fine and costs, the justice or judge may require the defendant to perform community service as provided by Article 45.049, 45.0492, as added by Chapter

1 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session,
2 2011, or 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the
3 82nd Legislature, Regular Session, 2011, as appropriate.

4 SECTION 2. The change in law made by this Act applies to a
5 sentencing proceeding that commences on or after the effective date
6 of this Act, regardless of whether the offense for which the
7 defendant is convicted was committed before, on, or after the
8 effective date of this Act.

9 SECTION 3. This Act takes effect September 1, 2023.