

By: West

S.B. No. 2400

A BILL TO BE ENTITLED

AN ACT

relating to collection of certain fines assessed for traffic offenses.

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

SECTION 1. Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TRAFFIC FINE PROGRAMS OF JUSTICE AND MUNICIPAL COURTS

Art. 45.301. GENERAL PROVISIONS FOR TRAFFIC FINE PROGRAMS.

(a) A notice to appear issued for a traffic offense, including an offense under Section 521.457, Transportation Code, must inform the defendant charged with the offense that:

(1) the person may be eligible for a reduction of the amount of the person's unpaid fines for traffic offenses under a program available under this subchapter; and

(2) if the notice to appear is issued for an offense under Section 521.457, Transportation Code, and the person's license was suspended because of nonpayment of fines for traffic offenses, the person may be eligible for a program established under this subchapter to address the previous unpaid fines.

(b) Each justice and municipal court shall, on the court's publicly accessible Internet website:

(1) post information about the programs available under this subchapter; and

(2) post a statement that individuals who have a

1 suspended license due to unpaid fines for traffic offenses may be
2 eligible for the programs established under this subchapter.

3 (c) Each justice and municipal court may provide a written
4 notification by mail to a person who is issued a notice to appear
5 for a violation of Section 521.457, Transportation Code, that
6 notifies the person that if the person's license was suspended
7 because of nonpayment of fines for traffic offenses, the person may
8 be eligible for a program under this subchapter to address those
9 previous unpaid fines.

10 (d) The Office of Court Administration of the Texas Judicial
11 System shall adopt the forms necessary for each program under this
12 subchapter.

13 Art. 45.302. AMNESTY PROGRAM. (a) This article applies
14 only to a fine for a traffic offense that:

15 (1) was issued before September 1, 2021; and

16 (2) remains unpaid on or after September 1, 2023.

17 (b) Each justice and municipal court shall establish an
18 amnesty program available to any person who owes a total of more
19 than \$200 of unpaid fines described by Subsection (a) and applies to
20 participate in the program. The program must allow a person to apply
21 for participation in the program on the Internet or by mail. For a
22 person who applies to an amnesty program under this article, the
23 justice or municipal court shall reduce the total amount of the
24 person's unpaid fines owed to \$200.

25 (c) A justice or municipal court shall charge a \$100
26 administrative fee for participation in the program. The
27 administrative fee must be credited toward the amount of an unpaid

1 fine described by Subsection (b).

2 (d) The justice or municipal court shall allow a person who
3 participates in an amnesty program under this article and has three
4 or more unpaid fines described by Subsection (a) to pay the reduced
5 fines over a period of not less than 12 months beginning on the date
6 the fines are reduced under this article.

7 (e) A fine collected under this article shall be deposited
8 in the same manner as the original fine.

9 (f) Unless authorized by the justice or municipal court, a
10 person may no longer participate in an amnesty program under this
11 article if the person enters into a payment plan with the justice or
12 municipal court and misses two or more consecutive payments in the
13 plan.

14 (g) The justice or municipal court shall notify the
15 Department of Public Safety on a person's successful completion of
16 the amnesty program.

17 (h) This article expires September 1, 2024.

18 Art. 45.303. INDIGENCY PROGRAM. (a) This article applies
19 only to a fine for a traffic offense that remains unpaid on or after
20 the second anniversary of the date of issuance.

21 (b) Each justice and municipal court shall establish an
22 indigency program through which the justice or municipal court
23 shall reduce all fines described by Subsection (a), or penalties
24 for nonpayment of such fines, if a person who owes a fine described
25 by Subsection (a) establishes that the person is indigent. The
26 program must allow a person to apply for participation in the
27 program on the Internet or by mail.

1 (c) For a person who applies to an indigency program under
2 this article, a justice or municipal court shall reduce the total
3 amount of the person's unpaid fines owed to the lesser of:

4 (1) 50 percent of the total unpaid fine amount for two
5 or fewer unpaid fines;

6 (2) \$100 per fine for three or more unpaid fines; or

7 (3) an amount determined by the court under Article
8 [45.0445](#).

9 (d) To establish indigency for purposes of Subsection (b), a
10 person must provide to the justice or municipal court:

11 (1) documentation described by Section [709.001\(d\)](#),
12 Transportation Code; or

13 (2) a sworn affidavit confirming that the person's
14 income or the person's household income does not exceed 125 percent
15 of the applicable income level established by the federal poverty
16 guidelines.

17 (e) A fine collected under this article shall be deposited
18 in the same manner as the original fine.

19 (f) Unless authorized by the justice or municipal court, a
20 person may no longer participate in an indigency program under this
21 article if the person enters into a payment plan with the justice or
22 municipal court and misses two or more consecutive payments in the
23 plan.

24 (g) The justice or municipal court shall notify the
25 Department of Public Safety on a person's successful completion of
26 the indigency program.

27 Art. 45.304. INCENTIVE PROGRAM. (a) This article applies

1 only to a fine for a traffic offense that remains unpaid on or after
2 the second anniversary of the date of issuance.

3 (b) Each justice and municipal court shall establish an
4 incentive program through which the justice or municipal court
5 shall reduce the amount of an unpaid fine described by Subsection
6 (a) if a person establishes that the person's income or the person's
7 household income is less than 300 percent of the applicable income
8 level established by the federal poverty guidelines. For a person
9 who is eligible for the incentive program under this article, the
10 justice or municipal court shall reduce the amount of the person's
11 unpaid fines to a total of \$200 for two or fewer unpaid fines or not
12 more than \$100 per fine for three or more unpaid fines. The program
13 must allow a person to apply for participation in the program on the
14 Internet or by mail.

15 (c) A person must provide information to the justice or
16 municipal court to establish that the person qualifies for the
17 incentive program under this article. The following documentation
18 may be used as proof that the person qualifies to participate in the
19 incentive program:

20 (1) a copy of the person's most recent federal income
21 tax return that shows that the person's income or the person's
22 household income is less than 300 percent of the applicable income
23 level established by the federal poverty guidelines;

24 (2) a copy of the person's most recent statement of
25 wages that shows that the person's income or the person's household
26 income is less than 300 percent of the applicable income level
27 established by the federal poverty guidelines; or

1 (3) a sworn affidavit confirming that the person's
2 income or the person's household income is less than 300 percent of
3 the applicable income level established by the federal poverty
4 guidelines.

5 (d) Except as otherwise provided by Subsection (e), a person
6 who participates in the incentive program under this article must
7 pay the reduced amount of a traffic fine not later than the 180th
8 day after the date the amount of the traffic fine is reduced under
9 the program.

10 (e) For a person who participates in the incentive program
11 under this article and has three or more unpaid fines described by
12 Subsection (a), the justice or municipal court shall allow the
13 person to pay the reduced fines over a period of not less than 12
14 months beginning on the date the fine is reduced under this article.

15 (f) A fine collected under this article shall be deposited
16 in the same manner as the original fine.

17 (g) Unless authorized by the justice or municipal court, a
18 person may no longer participate in an incentive program under this
19 article if the person enters into a payment plan with the justice or
20 municipal court and misses two or more consecutive payments in the
21 plan.

22 (h) The justice or municipal court shall notify the
23 Department of Public Safety on a person's successful completion of
24 the incentive program.

25 SECTION 2. Section 502.010, Transportation Code, is amended
26 by adding Subsection (a-1) to read as follows:

27 (a-1) If a county assessor-collector or the department, as

1 applicable, refuses to register a motor vehicle under Subsection
2 (a) solely because the owner of the vehicle has unpaid fines to
3 which Subchapter E, Chapter 45, Code of Criminal Procedure,
4 applies, the county assessor-collector shall notify the person that
5 the person may be eligible for a reduction in the amount of those
6 unpaid fines under a program established under Subchapter E,
7 Chapter 45, Code of Criminal Procedure.

8 SECTION 3. Not later than January 1, 2024, each justice and
9 municipal court shall establish:

10 (1) an amnesty program, as required by Article 45.302,
11 Code of Criminal Procedure, as added by this Act;

12 (2) an indigency program, as required by Article
13 45.303, Code of Criminal Procedure, as added by this Act; and

14 (3) an incentive program, as required by Article
15 45.304, Code of Criminal Procedure, as added by this Act.

16 SECTION 4. This Act takes effect September 1, 2023.