By: Hilderbran   H.B. No. 3241

Substitute the following for H.B. No. 3241:

By: Keel   C.S.H.B. No. 3241

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the prosecution and adjudication of an offense in

3   justice or municipal courts.

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

5   SECTION 1. Article 2.07(d), Code of Criminal Procedure, is

6   amended to read as follows:

7   (d) In this article, "attorney for the state" means a county

8   attorney, a district attorney, a city attorney, or a criminal

9   district attorney.

10   SECTION 2. Article 15.18, Code of Criminal Procedure, is

11 amended to read as follows:

12   Art. 15.18. ARREST FOR OUT-OF-COUNTY OFFENSE. (a) A person

13 arrested under a warrant issued in a county other than the one in

14 which the person is arrested shall be taken before a magistrate of

15 the county where the arrest takes place who shall:

16   (1) take bail, if allowed by law, and immediately

17 transmit the bond taken to the court having jurisdiction of the

18 offense; or

19   (2) in the case of a person arrested [under warrant]

20 for an offense punishable by fine only, with the approval of the

21 magistrate or court issuing the warrant, accept a written plea of

22 guilty or nolo contendere, set a fine, determine costs, accept

23 payment of the fine and costs, give credit for time served,

24 determine indigency, enter a final judgment in the case, and [or,]

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1 on satisfaction of the judgment[,] discharge the defendant, as the

2 case may indicate.

3 (b) Before the 11th business day after the date a magistrate

4 accepts a written plea of guilty or nolo contendere in a case under

5 Subsection (a)(2), the magistrate shall transmit to the court

6 having jurisdiction of the offense:

7 (1) the written plea;

8 (2) any judgment or orders entered in the case; and

9 (3) any fine or costs collected in the case.

10 (c) This article does not apply to capias pro fine warrants

11 issued under Article 45.045.

12 SECTION 3. Article 45.046(a), Code of Criminal Procedure,

13 is amended to read as follows:

14 (a) When a judgment and sentence have been entered against a

15 defendant and the defendant defaults in the discharge of the

16 judgment, the judge may order the defendant confined in jail until

17 discharged by law if the judge determines that:

18 (1) the defendant is not indigent and has

19 [intentionally] failed to make a good faith effort to discharge the

20 fine and costs [judgment]; or

21 (2) the defendant is [not] indigent and has failed to

22 make a good faith effort to discharge the fine and costs under

23 Article 45.049 or pursuant to the judgment.

24 SECTION 4. Subchapter B, Chapter 45, Code of Criminal

25 Procedure, is amended by adding Article 45.0491 to read as follows:

26 Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR

27 INDIGENT DEFENDANTS IN JUSTICE OR MUNICIPAL COURT. A municipal

1 court, regardless of whether the court is a court of record, or a

2 justice court may waive payment of a fine or cost imposed on a

3 defendant who defaults in payment if the court determines that:

4   (1) the defendant is indigent; and

5   (2) each alternative method of discharging the fine or

6 cost under Article 45.049 would impose an undue hardship on the

7 defendant. The decision of the court on this matter is final.

8   SECTION 5. Article 43.091, Code of Criminal Procedure, is

9 repealed.

10   SECTION 6. This Act takes effect September 1, 2003.