

BILL ANALYSIS

H.B. 3131
By: Martinez Fischer
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person who is charged with a misdemeanor punishable by fine only is eligible for deferred adjudication and probation so long as the person pays all related court costs. In some cases the "payment of all court costs" language is being interpreted to mean that the total court costs must be paid in full before deferred adjudication and probation can be granted. This interpretation of the statute disproportionately impacts defendants who have insufficient resources or income to pay the total court costs at the inception of the hearing.

H.B. 3131 makes it clear that in granting a suspension of sentence and deferral of final disposition the judge has discretion to allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation or require an eligible defendant to discharge all or part of those costs by performing community service under Article 45.049.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Article 45.051, Code of Criminal Procedure, is amended to allow the judge to elect to proceed under Subsection (a-1). Subsection (a-1) provides that if a defendant is charged with more than one traffic offense the judge has the discretion to allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation, require an eligible defendant to discharge all or part of those costs by performing community service under Article 45.049, or do a combination of either option.

EFFECTIVE DATE

This Act takes effect September 1, 2005, or immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.