

By: Martinez Fischer

H.B. No. 3130

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain procedures for the handling of criminal cases
3 in justice or municipal court.

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

5 SECTION 1. Article 15.18, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 15.18. ARREST FOR OUT-OF-COUNTY OFFENSE. (a) A person
8 arrested under a warrant issued in a county other than the one in
9 which the person is arrested shall be taken before a magistrate of
10 the county where the arrest takes place who shall:

11 (1) take bail, if allowed by law, and immediately
12 transmit the bond taken to the court having jurisdiction of the
13 offense; or

14 (2) in the case of a person arrested [~~under warrant~~]
15 for an offense punishable by fine only, with the approval of the
16 judge or justice who issued the warrant, accept a written plea of
17 guilty or nolo contendere, set a fine, determine costs, accept
18 payment of the fine and costs, give credit for time served,
19 determine indigency, and enter a final judgment in the case [~~or, on~~
20 ~~satisfaction of the judgment, discharge the defendant, as the case~~
21 ~~may indicate~~].

22 (b) Before the 11th business day after the date a magistrate
23 accepts a written plea of guilty or nolo contendere in a case under
24 Subsection (a)(2), the magistrate shall transmit to the court

1 having jurisdiction of the offense:

2 (1) the written plea;

3 (2) the judgment and [~~any~~] orders entered in the case;

4 and

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

6 (c) This article does not apply to a capias pro fine warrant
7 issued under Article 45.045.

8 SECTION 2. Article 43.091, Code of Criminal Procedure, is
9 transferred to Subchapter B, Chapter 45, Code of Criminal
10 Procedure, is redesignated as Article 45.0491, and is amended to
11 read as follows:

12 Art. 45.0491 [~~43.091~~]. WAIVER OF PAYMENT OF FINES AND COSTS
13 FOR INDIGENT DEFENDANTS IN JUSTICE OR MUNICIPAL COURT. A municipal
14 court, regardless of whether the court is a court of record, or a
15 justice court may waive payment of a fine or cost imposed on a
16 defendant who defaults in payment if the court determines that:

17 (1) the defendant is indigent; and

18 (2) each alternative method of discharging the fine or
19 cost under Article 45.049 [~~43.09~~] would impose an undue hardship on
20 the defendant.

21 SECTION 3. Article 45.046(a), Code of Criminal Procedure,
22 is amended to read as follows:

23 (a) When a judgment and sentence have been entered against a
24 defendant and the defendant defaults in the discharge of the
25 judgment, the judge may order the defendant confined in jail until
26 discharged by law if the judge determines that the defendant:

27 (1) [~~the defendant intentionally~~] failed to make a

1 good faith effort to discharge the fine and costs under Article
2 45.049, if the defendant is indigent [~~judgment~~]; or

3 (2) failed to make a good faith effort to discharge the
4 fine and costs, if the defendant is not indigent.

5 SECTION 4. This Act takes effect September 1, 2005.