

By: Shapleigh

S.B. No. 463

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the discharge of certain costs and fines in a criminal
3 case.

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

5 SECTION 1. Articles 43.09(a) and (k), Code of Criminal
6 Procedure, are amended to read as follows:

7 (a) When a defendant is convicted of a misdemeanor and the
8 defendant's [~~his~~] punishment is assessed at a pecuniary fine or is
9 confined in a jail after conviction of a felony for which a fine is
10 imposed, if the defendant [~~he~~] is unable to pay the fine and costs
11 adjudged against the defendant [~~him~~], the defendant [~~he~~] may for
12 such time as will satisfy the judgment be put to work in the county
13 jail industries program, in the workhouse, or on the county farm, or
14 public improvements and maintenance projects of the county or a
15 political subdivision located in whole or in part in the county, as
16 provided in the succeeding article; or if there be no such county
17 jail industries program, workhouse, farm, or improvements and
18 maintenance projects, the defendant [~~he~~] shall be confined in jail
19 for a sufficient length of time to discharge the full amount of fine
20 and costs adjudged against the defendant [~~him~~]; rating such
21 confinement at \$200 [~~\$50~~] for each day and rating such labor at \$200
22 [~~\$50~~] for each day; provided, however, that the defendant may pay
23 the pecuniary fine assessed against the defendant [~~him~~] at any time
24 while the defendant [~~he~~] is serving at work in the county jail

1 industries program, in the workhouse, or on the county farm, or on
2 the public improvements and maintenance projects of the county or a
3 political subdivision located in whole or in part in the county, or
4 while the defendant [~~he~~] is serving the defendant's [~~his~~] jail
5 sentence, and in such instances the defendant [~~he~~] shall be
6 entitled to the credit [~~he has~~] earned under this subsection during
7 the time that the defendant [~~he~~] has served and the defendant [~~he~~]
8 shall only be required to pay the [~~his~~] balance of the pecuniary
9 fine assessed against the defendant [~~him~~]. A defendant who
10 performs labor under this article during a day in which the
11 defendant [~~he~~] is confined is entitled to both the credit for
12 confinement and the credit for labor provided by this article.

13 (k) A defendant is considered to have discharged \$200 [~~\$100~~]
14 of fines or costs for each eight hours of community service
15 performed under Subsection (f) of this article.

16 SECTION 2. Article 45.048, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed
19 in jail on account of failure to pay the fine and costs shall be
20 discharged on habeas corpus by showing that the defendant:

21 (1) is too poor to pay the fine and costs; or

22 (2) has remained in jail a sufficient length of time to
23 satisfy the fine and costs, as permitted by Subsection (b).

24 (b) A defendant described by Subsection (a) may, by
25 remaining in jail, satisfy the fine and costs at the rate of not
26 less than \$200 [~~\$50~~] for each period of time served, as specified by
27 the convicting court under Subsection (c) [~~in the judgment in the~~]

1 case].

2 (c) In the judgment in the case, the [(b) A] convicting
3 court may specify a period of time that is not less than eight hours
4 or more than 24 hours as the period for which a defendant [~~who fails~~
5 ~~to pay the fines and costs in the case]~~ must remain in jail to
6 satisfy [~~\$50 of~~] the fine and costs under this article.

7 SECTION 3. Article 45.049(e), Code of Criminal Procedure,
8 is amended to read as follows:

9 (e) A defendant is considered to have discharged not less
10 than \$200 [~~\$50~~] of fines or costs for each eight hours of community
11 service performed under this article.

12 SECTION 4. The change in law made by this Act applies only
13 to the discharge of court costs incurred or a fine imposed on
14 conviction for a criminal offense that is committed on or after
15 September 1, 2005. The discharge of court costs incurred or a fine
16 imposed on conviction for a criminal offense that is committed
17 before September 1, 2005, is governed by the law in effect at the
18 time the offense was committed, and that law is continued in effect
19 for that purpose. For purposes of this section, an offense is
20 committed before September 1, 2005, if any element of the offense
21 occurs before that date.

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