

## **BILL ANALYSIS**

C.S.H.B. 2267  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Supreme Court decision in *Tate v. Short* (1971) held that it is unconstitutional to convert a fine into jail time for an indigent defendant who is unable to pay a fine. This case has since been used by municipal courts to offer alternative payment options to defendants in fine-only misdemeanor cases who are determined to be indigent. However, since statutory authority to do this does not exist, judges have become hesitant to continue offering such options. C.S.H.B. 2267 clarifies the statutory direction for the courts regarding the process by which punishments are determined in fine-only misdemeanor cases.

C.S.H.B. 2267 amends the Texas Code of Criminal Procedure to allow a judge in misdemeanor cases involving a fine-only punishment to provide for alternative fine payment options and a show cause hearing upon conclusion of a deferral period.

### **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**

Committee Substitute to House Bill 2267 amends the Code of Criminal Procedure to provide a judge with the discretion to offer alternative options through which a defendant charged with one or more fine-only misdemeanor offenses may pay court costs. Such options include permitting the defendant to enter into an agreement for payment of the court costs to be paid in installments during the defendant's period of probation; requiring the defendant to discharge all or part of those costs by performing community service under Article 45.049, Code of Criminal Procedure; or allowing a defendant to take a combination of installment payments and community service to satisfy the court costs.

C.S.H.B. 2267 also requires the court to provide notice to the defendant and to give the defendant an opportunity to appear at the time and place stated in the notice to show cause why the order of deferral should not be revoked if the defendant fails to present within the deferral period satisfactory evidence of compliance with the requirements imposed by the judge. The notification by the court to the defendant must be in writing, mailed to the address on file with the court or appearing on the notice to appear. Upon the defendant's showing of good cause, the court is authorized to allow an additional period during which the defendant may present evidence of the defendant's compliance with the requirements.

C.S.H.B. 2267 also provides that the judge may impose the fine assessed or impose a lesser fine if the defendant does not present satisfactory evidence by the date of the show cause hearing or if applicable, by the conclusion of an additional period given by the court in order for the defendant to present evidence of his or her compliance with the requirements imposed by the judge. The bill also provides that the judge is required to impose the fine assessed if the defendant does not present satisfactory evidence that the defendant completed a driving safety course or an examination by the date of a show cause hearing or if applicable, by the conclusion of an additional period given by the court to show good cause.

Makes application of this Act prospective.

**EFFECTIVE DATE**

September 1, 2007.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2267 does not amend Article 45.051(a), Code of Criminal Procedure, which the original bill did by removing the phrase "unless the judge elects to proceed under Subsection (a-1)."

C.S.H.B. 2267 removes the word "traffic" from Article 45.051(a-1) which was in the original bill so that the subsection applies to not only traffic offenses.