

By: Gutierrez

H.B. No. 2272

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the collection of fines and costs imposed in a criminal  
3 case following a defendant's default in payment.

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

5 SECTION 1. Article 43.03(a), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (a) If a defendant is sentenced to pay a fine or costs or  
8 both and the defendant defaults in payment, the court may order the  
9 fine and costs collected by execution against the defendant's  
10 property in the same manner as a judgment in a civil suit or, after a  
11 hearing under Subsection (d), ~~[of this article]~~ may order the  
12 defendant confined in jail until discharged as provided by law, may  
13 order the defendant to discharge the fines and costs in any other  
14 manner provided by Article 43.09 ~~[of this code]~~, or may waive  
15 payment of the fines and costs as provided by Article 43.091. A  
16 certified copy of the judgment, sentence, and order is sufficient  
17 to authorize confinement under this subsection.

18 SECTION 2. The change in law made by this Act applies only  
19 to a defendant who is sentenced to pay a fine or costs for an offense  
20 committed on or after the effective date of this Act. A defendant  
21 who is sentenced to pay a fine or costs for an offense committed  
22 before the effective date of this Act is covered by the law in  
23 effect when the offense was committed, and the former law is  
24 continued in effect for that purpose. For purposes of this section,

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1 an offense was committed before the effective date of this Act if  
2 any element of the offense occurred before that date.

3 SECTION 3. This Act takes effect September 1, 2009.