

SENATE AMENDMENTS

2nd Printing

By: Miklos

H.B. No. 1544

A BILL TO BE ENTITLED

AN ACT

1
2 relating to court proceedings for a plea of guilty or nolo
3 contendere for a misdemeanor punishable by fine only.

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

5 SECTION 1. Article 27.14(b), Code of Criminal Procedure, is
6 amended to read as follows:

7 (b) A defendant charged with a misdemeanor for which the
8 maximum possible punishment is by fine only may, in lieu of the
9 method provided in Subsection (a) of this article, mail or deliver
10 in person to the court a plea of "guilty" or a plea of "nolo
11 contendere" and a waiver of jury trial. The defendant may also
12 request in writing that the court notify the defendant, at the
13 address stated in the request, of the amount of an appeal bond that
14 the court will approve. If the court receives a plea and waiver
15 before the time the defendant is scheduled to appear in court, the
16 court shall dispose of the case without requiring a court
17 appearance by the defendant. If the court receives a plea and
18 waiver after the time the defendant is scheduled to appear in court
19 but at least five business days before a scheduled trial date, the
20 court shall dispose of the case without requiring a court
21 appearance by the defendant. The court shall notify the defendant
22 either in person or by certified mail, return receipt requested, of
23 the amount of any fine assessed in the case and, if requested by the
24 defendant, the amount of an appeal bond that the court will approve.

1 The defendant shall pay any fine assessed or give an appeal bond in
2 the amount stated in the notice before the 31st day after receiving
3 the notice.

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect at the time the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

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

ADOPTED

MAY 27 2009

Atty. Gen. Spaw
Secretary of the Senate

By: Carona

H.B. No. 1544

Substitute the following for H.B. No. 1544:

By: *[Signature]*

C.S. H.B. No. 1544

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24 defendant, the amount of an appeal bond that the court will approve.

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2 the amount stated in the notice before the 31st day after receiving
3 the notice.

4 SECTION 2. Articles 45.051(a), (a-1), (b), and (c), Code of
5 Criminal Procedure, are amended to read as follows:

6 (a) On a plea of guilty or nolo contendere by a defendant or
7 on a finding of guilt in a misdemeanor case punishable by fine only
8 and payment of all court costs, the judge may [~~, at the judge's~~
9 ~~discretion,~~] defer further proceedings without entering an
10 adjudication of guilt and place the defendant on probation for a
11 period not to exceed 180 days. In issuing the order of deferral,
12 the judge may impose a special expense fee on the defendant in an
13 amount not to exceed the amount of the fine that could be imposed on
14 the defendant as punishment for the offense. The special expense
15 fee may be collected at any time before the date on which the period
16 of probation ends. The judge may elect not to impose the special
17 expense fee for good cause shown by the defendant. If the judge
18 orders the collection of a special expense fee, the judge shall
19 require that the amount of the special expense fee be credited
20 toward the payment of the amount of the fine imposed by the judge.
21 An order of deferral under this subsection terminates any liability
22 under a bail bond or an appearance bond given for the charge.

23 (a-1) Notwithstanding any other provision of law, as an
24 alternative to requiring a defendant charged with one or more
25 offenses to make payment of all court costs as required by
26 Subsection (a), the judge [~~, in the judge's discretion,~~] may:

27 (1) allow the defendant to enter into an agreement for

1 payment of those costs in installments during the defendant's
2 period of probation;

3 (2) require an eligible defendant to discharge all or
4 part of those costs by performing community service under Article
5 45.049; or

6 (3) take any combination of actions authorized by
7 Subdivision (1) or (2).

8 (b) During the deferral period, the judge may~~[, at the~~
9 ~~judge's discretion,]~~ require the defendant to:

10 (1) post a bond in the amount of the fine assessed to
11 secure payment of the fine;

12 (2) pay restitution to the victim of the offense in an
13 amount not to exceed the fine assessed;

14 (3) submit to professional counseling;

15 (4) submit to diagnostic testing for alcohol or a
16 controlled substance or drug;

17 (5) submit to a psychosocial assessment;

18 (6) participate in an alcohol or drug abuse treatment
19 or education program;

20 (7) pay the costs of any diagnostic testing,
21 psychosocial assessment, or participation in a treatment or
22 education program either directly or through the court as court
23 costs;

24 (8) complete a driving safety course approved under
25 Chapter 1001, Education Code, or another course as directed by the
26 judge;

27 (9) present to the court satisfactory evidence that

1 the defendant has complied with each requirement imposed by the
2 judge under this article; and

3 (10) comply with any other reasonable condition.

4 (c) On determining that the defendant has complied with the
5 requirements imposed by the judge under this article, the judge
6 shall dismiss the complaint, and it shall be clearly noted in the
7 docket that the complaint is dismissed and that there is not a final
8 conviction. [~~If the complaint is dismissed, a special expense not~~
9 ~~to exceed the amount of the fine assessed may be imposed.~~]

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect at the time the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 4. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Article 45.051 of the Code of Criminal Procedure permitting a judge to impose a special expense fee on certain defendants in an amount not to exceed the fine that could be imposed as punishment for the offense. The fee could be collected at any time before the date on which the period of probation ends. If the special expense fee is imposed, the judge shall require that the amount of the fee be credited toward the payment of the amount of the fine imposed by the judge.

According to the Office of Court Administration (OCA), the bill would not result in any material increase or decrease in the amount assessed as a special expense against these defendants. Revenue from the special expense remains with the local government and is not sent to the state. The Comptroller of Public Accounts (CPA) determined that there would not be a fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, SD, DB, ESi, JI, JJO, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Article 45.051 of the Code of Criminal Procedure permitting a judge to impose a special expense fee on certain defendants in an amount not to exceed the fine that could be imposed as punishment for the offense. The fee could be collected at any time before the date on which the period of probation ends. If the special expense fee is imposed, the judge shall require that the amount of the fee be credited toward the payment of the amount of the fine imposed by the judge.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1544** by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 18, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, TMP, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

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LBB Staff: JOB, LM, TMP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

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