

BILL ANALYSIS

Senate Research Center

H.B. 27
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, payment options in a misdemeanor case for a person unable to pay court fines and costs can be limited. Payment of court costs and fines can easily become a heavy burden for an indigent individual or a low-income family. For an impoverished citizen, providing options such as making payments in selected installments should increase the likelihood of the citizen paying off the full amount of the fine in a more efficient and timely manner. In addition, performing community service provides another option for a person unable to pay certain fines or costs.

H.B. 27 seeks to expand payment options for certain defendants in misdemeanor cases.

H.B. 27 amends current law relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Article 42.15, Code of Criminal Procedure, to read as follows:

Art. 42.15. FINES AND COSTS.

SECTION 2. Amends Article 42.15, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes a court, subject to Subsection (c), when imposing a fine and costs, to direct a defendant to pay the entire fine and costs when sentence is pronounced, to pay the entire fine and costs at some later date, or to pay a specified portion of the fine and costs at designated intervals. Makes nonsubstantive changes.

(c) Requires the court, when imposing a fine and costs in a misdemeanor case, to allow the defendant to pay the fine and costs in specified portions at designated intervals if the court determines that the defendant is unable to immediately pay the fine and costs.

SECTION 3. Amends Article 45.041, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (b-2), as follows:

(b) Authorizes the justice or judge, subject to Subsection (b-2), to direct the defendant to perform certain actions. Makes a nonsubstantive change.

(b-2) Requires the justice or judge, when imposing a fine and costs, to allow the defendant to pay the fine and costs in specified portions at designated intervals if the justice or judge determines that the defendant is unable to immediately pay the fine and costs.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2011.