

BILL ANALYSIS

C.S.H.B. 27
By: Guillen
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

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

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

C.S.H.B. 27 amends the Code of Criminal Procedure to require a court to allow a defendant in a misdemeanor case who the court determines is unable to pay the fine and costs imposed by the court on the defendant to pay the fine and costs in specified portions at designated intervals or perform community service.

C.S.H.B. 27 requires a justice of the peace or a judge of a municipal court to allow a defendant in a misdemeanor case who the justice or judge determines is unable to pay the fine and costs imposed by the court on the defendant to pay the fine and costs in specified portions at designated intervals or perform community service.

C.S.H.B. 27 makes conforming changes in a provision of law authorizing the judge of a justice or municipal court to order a defendant to be confined in jail until lawfully discharged if the judge at a hearing makes a written determination that the defendant is indigent and has failed to make a good faith effort to discharge the fine and costs in a certain manner.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 27 differs from the original by replacing references in the original to an indigent defendant with references to a defendant who is unable to pay the fine and costs. The substitute contains provisions not included in the original authorizing certain defendants to discharge a fine and costs by performing community service. The substitute contains a provision not included in the original to make conforming changes in a provision authorizing the judge of a justice or municipal court to order a defendant to be confined in jail until lawfully discharged if the judge at a hearing makes a written determination that the defendant is indigent and has failed to make a good faith effort to discharge the fine and costs in a certain manner.