

By: Guillen

H.B. No. 27

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the payment of fines and costs by defendants who are
3 unable to pay the fines and costs in misdemeanor cases.

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

5 SECTION 1. The heading to Article 42.15, Code of Criminal
6 Procedure, is amended to read as follows:

7 Art. 42.15. FINES AND COSTS.

8 SECTION 2. Article 42.15, Code of Criminal Procedure, is
9 amended by amending Subsection (b) and adding Subsection (c) to
10 read as follows:

11 (b) Subject to Subsection (c), when ~~When~~ imposing a fine
12 and costs, a court may direct a defendant:

13 (1) to pay the entire fine and costs when sentence is
14 pronounced; ~~or~~

15 (2) to pay the entire fine and costs at some later
16 date; or

17 (3) to pay a specified portion of the fine and costs at
18 designated intervals.

19 (c) When imposing a fine and costs in a misdemeanor case, if
20 the court determines that the defendant is unable to immediately
21 pay the fine and costs, the court shall allow the defendant to pay
22 the fine and costs in specified portions at designated intervals.

23 SECTION 3. Article 45.041, Code of Criminal Procedure, is
24 amended by amending Subsection (b) and adding Subsection (b-2) to

1 read as follows:

2 (b) Subject to Subsection (b-2), the [~~The~~] justice or judge
3 may direct the defendant:

4 (1) to pay:

5 (A) the entire fine and costs when sentence is
6 pronounced;

7 (B) the entire fine and costs at some later date;
8 or

9 (C) a specified portion of the fine and costs at
10 designated intervals;

11 (2) if applicable, to make restitution to any victim
12 of the offense; and

13 (3) to satisfy any other sanction authorized by law.

14 (b-2) When imposing a fine and costs, if the justice or
15 judge determines that the defendant is unable to immediately pay
16 the fine and costs, the justice or judge shall allow the defendant
17 to pay the fine and costs in specified portions at designated
18 intervals.

19 SECTION 4. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect at the time the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 5. This Act takes effect September 1, 2011.