

By: Guillen

H.B. No. 27

Substitute the following for H.B. No. 27:

By: Aliseda

C.S.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 pay the fine  
21 and costs, the court shall allow the defendant to:

22 (1) pay the fine and costs in specified portions at  
23 designated intervals; or

24 (2) perform community service under Article 43.09(f)

1 to discharge all or part of the fine or costs.

2 SECTION 3. Article 45.041, Code of Criminal Procedure, is  
3 amended by amending Subsection (b) and adding Subsection (b-2) to  
4 read as follows:

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

7 (1) to pay:

8 (A) the entire fine and costs when sentence is  
9 pronounced;

10 (B) the entire fine and costs at some later date;  
11 or

12 (C) a specified portion of the fine and costs at  
13 designated intervals;

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

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

17 (b-2) When imposing a fine and costs, if the justice or  
18 judge determines that the defendant is unable to pay the fine and  
19 costs, the justice or judge shall allow the defendant to:

20 (1) pay the fine and costs in specified portions at  
21 designated intervals; or

22 (2) perform community service under Article 45.049 to  
23 discharge all or part of the fine or costs.

24 SECTION 4. Article 45.046(a), Code of Criminal Procedure,  
25 is amended to read as follows:

26 (a) When a judgment and sentence have been entered against a  
27 defendant and the defendant defaults in the discharge of the

1 judgment, the judge may order the defendant confined in jail until  
2 discharged by law if the judge at a hearing makes a written  
3 determination that:

4 (1) the defendant is not indigent and has failed to  
5 make a good faith effort to discharge the fine and costs; or

6 (2) the defendant is indigent and:

7 (A) has failed to make a good faith effort to  
8 discharge the fines and costs under Article 45.041(b-2) [~~45.049~~];  
9 and

10 (B) could have discharged the fines and costs  
11 under Article 45.041(b-2) [~~45.049~~] without experiencing any undue  
12 hardship.

13 SECTION 5. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 governed by the law in effect at the time the offense was committed,  
17 and the former law is continued in effect for that purpose. For  
18 purposes of this section, an offense was committed before the  
19 effective date of this Act if any element of the offense occurred  
20 before that date.

21 SECTION 6. This Act takes effect September 1, 2011.