

1-1 By: Guillen (Senate Sponsor - Ellis) H.B. No. 27
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2011, reported favorably by the following
1-5 vote: Yeas 6, Nays 1; May 9, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the payment of fines and costs by defendants who are
1-9 unable to pay the fines and costs in misdemeanor cases.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Article 42.15, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 Art. 42.15. FINES AND COSTS.

1-14 SECTION 2. Article 42.15, Code of Criminal Procedure, is
1-15 amended by amending Subsection (b) and adding Subsection (c) to
1-16 read as follows:

1-17 (b) Subject to Subsection (c), when [~~when~~] imposing a fine
1-18 and costs, a court may direct a defendant:

1-19 (1) to pay the entire fine and costs when sentence is
1-20 pronounced; [~~or~~]

1-21 (2) to pay the entire fine and costs at some later
1-22 date; or

1-23 (3) to pay a specified portion of the fine and costs at
1-24 designated intervals.

1-25 (c) When imposing a fine and costs in a misdemeanor case, if
1-26 the court determines that the defendant is unable to immediately
1-27 pay the fine and costs, the court shall allow the defendant to pay
1-28 the fine and costs in specified portions at designated intervals.

1-29 SECTION 3. Article 45.041, Code of Criminal Procedure, is
1-30 amended by amending Subsection (b) and adding Subsection (b-2) to
1-31 read as follows:

1-32 (b) Subject to Subsection (b-2), the [~~The~~] justice or judge
1-33 may direct the defendant:

1-34 (1) to pay:

1-35 (A) the entire fine and costs when sentence is
1-36 pronounced;

1-37 (B) the entire fine and costs at some later date;
1-38 or

1-39 (C) a specified portion of the fine and costs at
1-40 designated intervals;

1-41 (2) if applicable, to make restitution to any victim
1-42 of the offense; and

1-43 (3) to satisfy any other sanction authorized by law.

1-44 (b-2) When imposing a fine and costs, if the justice or
1-45 judge determines that the defendant is unable to immediately pay
1-46 the fine and costs, the justice or judge shall allow the defendant
1-47 to pay the fine and costs in specified portions at designated
1-48 intervals.

1-49 SECTION 4. The change in law made by this Act applies only
1-50 to an offense committed on or after the effective date of this Act.
1-51 An offense committed before the effective date of this Act is
1-52 governed by the law in effect at the time the offense was committed,
1-53 and the former law is continued in effect for that purpose. For
1-54 purposes of this section, an offense was committed before the
1-55 effective date of this Act if any element of the offense occurred
1-56 before that date.

1-57 SECTION 5. This Act takes effect September 1, 2011.

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