

BILL ANALYSIS

C.S.H.B. 3030
By: Fletcher
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report an exorbitant amount of uncollected payments for issued misdemeanor warrants and capias pro fine warrants in Texas and assert that more efficient mechanisms for collecting payment on these uncollected costs will result in more revenue for counties and municipalities. C.S.H.B. 3030 seeks to provide offenders alleged to have committed certain misdemeanors or with capias pro fine warrants the opportunity to pay the associated court or warrant costs with a valid credit card or debit card and thereby avoid arrest.

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. 3030 amends the Code of Criminal Procedure to authorize a court to adopt an alternative procedure for collecting an outstanding fine or court cost associated with the alleged commission of a Class C misdemeanor by a defendant or a judgment for fines and court costs of a defendant convicted of any offense, if a capias pro fine has been issued in the case. The bill, under this alternative payment procedure, requires a peace officer making an arrest of a defendant to inform the arrested person of the possibility of making an immediate payment of the fine and related court costs by use of a credit or debit card and of the arrested person's available alternatives to making such an immediate payment, and authorizes the peace officer, on behalf of the court, to accept the person's immediate payment of the fine and related court costs by use of a credit or debit card. The bill requires the peace officer to release the person after accepting such immediate payment on behalf of the court.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3030 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 17.20, Code of Criminal Procedure is amended to read as follows:
Art. 17.20. BAIL IN MISDEMEANOR.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

In cases of misdemeanor, the sheriff or other peace officer, or a jailer licensed under Chapter 1701, Occupations Code, ~~may~~ whether during the term of the court or in vacation, where the officer has a defendant in custody, may:

- (a) take of the defendant a bail bond; or
- (b) unless the defendant, after being advised that he or she may contest the case in court, request deferred adjudication if qualified, or if indigent, do community service for payment of the fine, costs and fees, may pay said fine, costs and fees by use of a valid credit card or valid debit card, whereupon the warrant shall be withdrawn and the defendant released.

SECTION 2. Art. 45.045, Code of Criminal Procedure is amended to read as follows:

No equivalent provision.

Art. 45.045. CAPIAS PRO FINE. (a) If the defendant is not in custody when the judgment is rendered or if the defendant fails to satisfy the judgment according to its terms, the court may order a capias pro fine, as defined by Article 43.015, issued for the defendant's arrest. The capias pro fine shall state the amount of the judgment and sentence, and command the appropriate peace officer to bring the defendant before the court immediately or place the defendant in jail until the business day following the date of the defendant's arrest if the defendant cannot be brought before the court immediately, unless the defendant may choose to pay the fines and court costs set forth in the warrant of arrest and the warrant fee and other applicable fees by use of a valid credit card or valid debit card, whereupon the warrant shall be withdrawn and the defendant released.

(b) A capias pro fine may not be issued for an individual convicted for an offense committed before the individual's 17th birthday unless:

- (1) the individual is 17 years of age or older;
- (2) the court finds that the issuance of the capias pro fine is justified after considering:
 - (A) the sophistication and maturity of the individual;
 - (B) the criminal record and history of the individual; and
 - (C) the reasonable likelihood of bringing

about the discharge of the judgment through the use of procedures and services currently available to the court; and

(3) the court has proceeded under Article 45.050 to compel the individual to discharge the judgment.

(c) This article does not limit the authority of a court to order a child taken into custody under Article 45.058 or 45.059.

No equivalent provision.

No equivalent provision.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article

SECTION 1. The heading to Chapter 103, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 103. PAYMENT, COLLECTION, AND RECORDKEEPING

SECTION 2. Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0025 to read as follows:

Art. 103.0025. ALTERNATIVE PAYMENT PROCEDURE FOR CERTAIN FINES. (a) This article applies only to payment of:

(1) a fine and court costs associated with the alleged commission of a Class C misdemeanor by a defendant; and

(2) a judgment for fines and court costs of a defendant convicted of any offense, if a capias pro fine has been issued in the case.

(b) Notwithstanding any other provision of law, the court may adopt an alternative procedure for collecting an outstanding payment described by Subsection (a). Under the procedure, a peace officer making an arrest of a defendant:

(1) shall inform the arrested person of:

(A) the possibility of making an immediate payment of the fine and related court costs by use of a credit or debit card; and

(B) the arrested person's available alternatives to making an immediate payment; and

(2) may accept, on behalf of the court, the arrested person's immediate payment of the fine and related court costs by use of a credit or debit card, after which the peace officer must release the person.

SECTION 3. Same as introduced version.

III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.