

By: Fletcher, Canales, Bell, Pickett, Flynn

H.B. No. 121

Substitute the following for H.B. No. 121:

By: Herrero

C.S.H.B. No. 121

A BILL TO BE ENTITLED

AN ACT

relating to an alternative means of payment of certain past due criminal fines and court costs.

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

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 PAST DUE FINES AND COSTS. (a) This article applies to a defendant's past due payment on a judgment for a fine and related court costs 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 a past due payment described by Subsection (a). Under the procedure, a peace officer who executes a capias pro fine or who is authorized to arrest a defendant on other grounds and knows that the defendant owes a past due payment described by Subsection (a):

(1) shall inform the defendant 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 defendant's available alternatives to

1 making an immediate payment; and

2 (2) may accept, on behalf of the court, the defendant's
3 immediate payment of the fine and related court costs by use of a
4 credit or debit card, after which the peace officer may release the
5 defendant as appropriate based on the officer's authority for the
6 arrest.

7 (c) A peace officer accepting a payment under Subsection
8 (b)(2) may also accept payment for fees for the issuance and
9 execution of the capias pro fine.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2015.