

BILL ANALYSIS

H.B. 351
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that too many people are sent to jail because they cannot afford to pay fines or court costs, and the parties assert that judges need more flexibility to waive fines and costs and order community service. H.B. 351 seeks to provide this flexibility.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 351 amends the Code of Criminal Procedure to specify that the point in time at which a court is authorized to require a defendant who is unable to pay a fine or costs to discharge all or part of the fine or costs by performing community service is at sentencing or at any time after sentencing. The bill removes the condition on the authority of a court, including a municipal court or a justice court, to waive payment of a fine or cost imposed on an indigent or child defendant that the defendant default in payment. The bill authorizes a justice of the peace or a municipal court judge who determines in imposing a fine and costs that the defendant has insufficient resources or income to pay the fine or costs to require the defendant to discharge all or part of the fine or costs by performing community service. The bill applies to a sentencing proceeding that commences before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.