

By: Thompson of Harris

H.B. No. 2934

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the civil consequences imposed on persons arrested for,
3 charged with, or convicted of certain criminal offenses.

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

5 SECTION 1. Section 502.010, Transportation Code, is amended
6 by amending Subsection (a) and adding Subsections (b-1), (f-2),
7 (i), and (j) to read as follows:

8 (a) Except as otherwise provided by this section, a [A]
9 county assessor-collector or the department may refuse to register
10 a motor vehicle if the assessor-collector or the department
11 receives information that the owner of the vehicle:

12 (1) owes the county money for a fine, fee, or tax that
13 is past due; or

14 (2) failed to appear in connection with a complaint,
15 citation, information, or indictment in a court in the county in
16 which a criminal proceeding is pending against the owner.

17 (b-1) Information that is provided to make a determination
18 under Subsection (a)(1) and that concerns the past due status of a
19 fine or fee imposed for a criminal offense and owed to the county
20 expires on the second anniversary of the date the information was
21 provided and may not be resubmitted or used to refuse registration
22 after that date. Once information about a past due fine or fee is
23 provided under Subsection (b), subsequent information about other
24 finances or fees that are imposed for a criminal offense and that

1 become past due before the second anniversary of the date the
2 initial information was provided may not be used, either before or
3 after the second anniversary of that date, to refuse registration
4 under this section unless, at the time the fine or fee becomes past
5 due, the motor vehicle is no longer subject to refusal of
6 registration because of notice received under Subsection (c).

7 (f-2) On payment or other means of discharge of a past due
8 fine or fee that was imposed for a criminal offense, payment of the
9 additional fee under Subsection (f)(1) may be waived by the county
10 in which the fine or fee was owed or the court having jurisdiction
11 over the offense.

12 (i) If the court having jurisdiction over an offense for
13 which a fine or fee was imposed makes a finding that the defendant
14 is financially unable to pay the entire fine or fee:

15 (1) the court shall notify the county
16 assessor-collector of the county in which the defendant intends to
17 register the motor vehicle and the department of the finding;

18 (2) a county assessor-collector or the department may
19 not refuse to register the defendant's motor vehicle under this
20 section; and

21 (3) a county may not impose an additional fee on the
22 defendant under Subsection (f).

23 (j) For purposes of Subsection (i), a court:

24 (1) shall find a defendant financially unable to pay a
25 fine or fee if the defendant is:

26 (A) paying an existing fine or fee in specified
27 portions at designated intervals; or

1 (B) performing community service in lieu of
2 payment; and

3 (2) may find a defendant financially unable to pay a
4 fine or fee after considering any information that the court
5 considers appropriate.

6 SECTION 2. Section 502.010(f), Transportation Code, as
7 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of
8 the 82nd Legislature, Regular Session, 2011, is reenacted and
9 amended to read as follows:

10 (f) Except as otherwise provided by this section, a [A]
11 county that has a contract under Subsection (b) may impose an
12 additional fee of \$20 to:

13 (1) a person who fails to pay a fine, fee, or tax to the
14 county by the date on which the fine, fee, or tax is due; or

15 (2) a person who fails to appear in connection with a
16 complaint, citation, information, or indictment in a court in which
17 a criminal proceeding is pending against the owner. ~~[The~~
18 ~~additional fee may be used only to reimburse the department or the~~
19 ~~county for its expenses for providing services under the contract.]~~

20 SECTION 3. Chapter 706, Transportation Code, is amended by
21 adding Section 706.0011 to read as follows:

22 Sec. 706.0011. FINDING BY COURT OF INABILITY TO PAY. (a)
23 If the court having jurisdiction over an offense for which a fine
24 and cost were imposed makes a finding that the defendant is
25 indigent, has insufficient resources or income to pay the fine and
26 cost, or is otherwise unable to pay the fine and cost:

27 (1) the court shall notify the department of the

1 finding;

2 (2) the department may not deny renewal of the
3 defendant's license under this chapter; and

4 (3) an administrative fee may not be imposed on the
5 defendant under Section 706.006.

6 (b) For purposes of Subsection (a), a court:

7 (1) shall presume a defendant is unable to pay a fine
8 or fee if the defendant is:

9 (A) paying an existing fine or fee in specified
10 portions at designated intervals; or

11 (B) performing community service in lieu of
12 payment; and

13 (2) may find a defendant financially unable to pay a
14 fine or fee after considering any information that the court
15 considers appropriate.

16 SECTION 4. Section 706.004, Transportation Code, is amended
17 by adding Subsections (c) and (d) to read as follows:

18 (c) Notwithstanding Subsection (a), the department may deny
19 renewal of a person's driver's license under this section only until
20 the earlier of:

21 (1) the date the department receives clearance notice
22 under Section 706.005; or

23 (2) the second anniversary of the date the person
24 failed to appear or failed to pay or satisfy a judgment.

25 (d) Information that is provided to the department under
26 Subsection (a) expires on the second anniversary of the date the
27 information was provided and may not be resubmitted or used to

1 refuse renewal of a driver's license after that date. Once
2 information is provided under Subsection (a), subsequent
3 information about another failure to appear or other fines or fees
4 that are imposed for a criminal offense and that become past due
5 before the second anniversary of the date the initial information
6 was provided may not be used, either before or after the second
7 anniversary of that date, to refuse renewal of a driver's license.

8 SECTION 5. Section 706.006, Transportation Code, is amended
9 by amending Subsections (a), (b), and (c) and adding Subsections
10 (d) and (e) to read as follows:

11 (a) Except as provided by Subsection (e), a [A] person who
12 fails to appear for a complaint or citation for an offense described
13 by Section 706.002(a) shall be required to pay an administrative
14 fee of \$30 for all complaints or citations that are issued for
15 offenses arising from the same criminal episode and are [each
16 complaint or citation] reported to the department under this
17 chapter, unless the person is acquitted of the charges for which the
18 person failed to appear or those charges are dismissed. The person
19 shall pay the fee when:

20 (1) the court enters judgment on the underlying
21 offense reported to the department; or

22 (2) ~~[the underlying offense is dismissed, or~~

23 ~~(3)]~~ bond or other security is posted to reinstate
24 the charge for which the warrant was issued.

25 (b) Except as provided by Subsection (e), a [A] person who
26 fails to pay or satisfy a judgment ordering the payment of a fine
27 and cost in the manner the court orders shall be required to pay an

1 administrative fee of \$30.

2 (c) The department may deny renewal of the driver's license
3 of a person who does not pay a fee due under this section until the
4 earlier of:

5 (1) the date the fee is paid; or

6 (2) the second anniversary of the date the person
7 failed to appear or failed to pay or satisfy a judgment.

8 (d) The fee required by this section is in addition to any
9 other fee required by law.

10 (e) A municipal court judge or justice of the peace who has
11 jurisdiction over the underlying offense may waive an
12 administrative fee required by this section.

13 SECTION 6. Section 708.152, Transportation Code, is amended
14 by amending Subsection (b) and adding Subsection (c) to read as
15 follows:

16 (b) A license suspended under this section remains
17 suspended until the earlier of:

18 (1) the date the person pays the amount of the
19 surcharge and any related costs; or

20 (2) the second anniversary of the date of suspension.

21 (c) A surcharge that becomes past due before the second
22 anniversary of suspension under Subsection (b) may not be used,
23 either before or after the second anniversary of that date, to
24 suspend that person's driver's license under this section unless,
25 at the time the surcharge became past due, the person's driver's
26 license was no longer subject to suspension under this section.

27 SECTION 7. Section 708.154(c), Transportation Code, is

1 amended to read as follows:

2 (c) A license suspended under this section remains
3 suspended until the earlier of:

4 (1) the date the person pays the amount of the
5 surcharge and any related costs; or

6 (2) the second anniversary of the date of suspension.

7 SECTION 8. The changes in law made by this Act apply to an
8 offense committed before, on, or after the effective date of this
9 Act.

10 SECTION 9. This Act takes effect September 1, 2017.