

By: Zaffirini, et al.
(Thompson of Harris)

S.B. No. 1913

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administrative, civil, and criminal consequences,
3 including fines, fees, and costs, imposed on persons arrested for,
4 charged with, or convicted of certain criminal offenses.

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

6 SECTION 1. Article 14.06(b), Code of Criminal Procedure, is
7 amended to read as follows:

8 (b) A peace officer who is charging a person, including a
9 child, with committing an offense that is a Class C misdemeanor,
10 other than an offense under Section 49.02, Penal Code, may, instead
11 of taking the person before a magistrate, issue a citation to the
12 person that contains:

13 (1) written notice of the time and place the person
14 must appear before a magistrate;

15 (2) [] the name and address of the person charged;

16 (3) [] the offense charged;

17 (4) information regarding the alternatives to the full
18 payment of any fine or costs assessed against the person, if the
19 person is convicted of the offense and is unable to pay that
20 amount; [] and

21 (5) the following admonishment, in boldfaced or
22 underlined type or in capital letters:

23 "If you are convicted of a misdemeanor offense involving
24 violence where you are or were a spouse, intimate partner, parent,

1 or guardian of the victim or are or were involved in another,
2 similar relationship with the victim, it may be unlawful for you to
3 possess or purchase a firearm, including a handgun or long gun, or
4 ammunition, pursuant to federal law under 18 U.S.C. Section
5 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any
6 questions whether these laws make it illegal for you to possess or
7 purchase a firearm, you should consult an attorney."

8 SECTION 2. Section 4(a), Article 17.42, Code of Criminal
9 Procedure, is amended to read as follows:

10 (a) Except as otherwise provided by this subsection, if [~~If~~]
11 a court releases an accused on personal bond on the recommendation
12 of a personal bond office, the court shall assess a personal bond
13 fee of \$20 or three percent of the amount of the bail fixed for the
14 accused, whichever is greater. The court may waive the fee or
15 assess a lesser fee if good cause is shown. A court that requires a
16 defendant to give a personal bond under Article 45.016 may not
17 assess a personal bond fee under this subsection.

18 SECTION 3. Article 27.14(b), Code of Criminal Procedure, is
19 amended to read as follows:

20 (b) A defendant charged with a misdemeanor for which the
21 maximum possible punishment is by fine only may, in lieu of the
22 method provided in Subsection (a) [~~of this article~~], mail or
23 deliver in person to the court a plea of "guilty" or a plea of "nolo
24 contendere" and a waiver of jury trial. The defendant may also
25 request in writing that the court notify the defendant, at the
26 address stated in the request, of the amount of an appeal bond that
27 the court will approve. If the court receives a plea and waiver

1 before the time the defendant is scheduled to appear in court, the
2 court shall dispose of the case without requiring a court
3 appearance by the defendant. If the court receives a plea and
4 waiver after the time the defendant is scheduled to appear in court
5 but at least five business days before a scheduled trial date, the
6 court shall dispose of the case without requiring a court
7 appearance by the defendant. The court shall notify the defendant
8 either in person or by certified mail, return receipt requested, of
9 the amount of any fine or costs assessed in the case, information
10 regarding the alternatives to the full payment of any fine or costs
11 assessed against the defendant, if the defendant is unable to pay
12 that amount, and, if requested by the defendant, the amount of an
13 appeal bond that the court will approve. Except as otherwise
14 provided by this code, the ~~The~~ defendant shall pay any fine or
15 costs assessed or give an appeal bond in the amount stated in the
16 notice before the 31st day after receiving the notice.

17 SECTION 4. Article [42.15](#), Code of Criminal Procedure, is
18 amended by adding Subsection (a-1) and amending Subsection (b) to
19 read as follows:

20 (a-1) Notwithstanding any other provision of this article,
21 at the punishment stage in a case in which the defendant entered a
22 plea in open court as provided by Article [27.13](#), [27.14\(a\)](#), or
23 [27.16\(a\)](#), a court may impose a fine and costs only if the court
24 makes a determination that the defendant has sufficient resources
25 or income to pay all or part of the fine and costs. In making that
26 determination, the court shall consider the defendant's financial
27 history and any other information relevant to the defendant's

1 ability to pay.

2 (b) Subject to Subsections (c) and (d) and Article 43.091,
3 when imposing a fine and costs, a court may direct a defendant:

4 (1) to pay the entire fine and costs when sentence is
5 pronounced;

6 (2) to pay the entire fine and costs at some later
7 date; or

8 (3) to pay a specified portion of the fine and costs at
9 designated intervals.

10 SECTION 5. Article 43.05, Code of Criminal Procedure, is
11 amended by adding Subsections (a-1) and (a-2) to read as follows:

12 (a-1) A court may not issue a capias pro fine for the
13 defendant's failure to satisfy the judgment according to its terms
14 unless the court holds a hearing on the defendant's ability to
15 satisfy the judgment and:

16 (1) the defendant fails to appear at the hearing; or

17 (2) based on evidence presented at the hearing, the
18 court makes a determination that:

19 (A) the defendant is not indigent and has failed
20 to make a good faith effort to discharge the fine or costs; or

21 (B) the defendant is indigent and:

22 (i) has failed to make a good faith effort
23 to discharge the fine or costs under Article 43.09(f); and

24 (ii) could have discharged the fine or
25 costs under Article 43.09(f) without experiencing any undue
26 hardship.

27 (a-2) The court shall recall a capias pro fine if, before

1 the capias pro fine is executed, the defendant voluntarily appears
2 to resolve the amount owed.

3 SECTION 6. Article 43.09, Code of Criminal Procedure, is
4 amended by amending Subsections (a), (g), (h), (j), and (l) and
5 adding Subsection (h-1) to read as follows:

6 (a) When a defendant is convicted of a misdemeanor and the
7 defendant's [~~his~~] punishment is assessed at a pecuniary fine or is
8 confined in a jail after conviction of a felony for which a fine is
9 imposed, if the defendant [~~he~~] is unable to pay the fine and costs
10 adjudged against the defendant [~~him~~], the defendant [~~he~~] may for
11 such time as will satisfy the judgment be put to work in the county
12 jail industries program, in the workhouse, or on the county farm, or
13 public improvements and maintenance projects of the county or a
14 political subdivision located in whole or in part in the county, as
15 provided in Article 43.10 [~~the succeeding article~~]; or if there is
16 [~~be~~] no such county jail industries program, workhouse, farm, or
17 improvements and maintenance projects, the defendant [~~he~~] shall be
18 confined in jail for a sufficient length of time to discharge the
19 full amount of fine and costs adjudged against the defendant [~~him~~];
20 rating such confinement at \$100 [~~\$50~~] for each day and rating such
21 labor at \$100 [~~\$50~~] for each day; provided, however, that the
22 defendant may pay the pecuniary fine assessed against the defendant
23 [~~him~~] at any time while the defendant [~~he~~] is serving at work in the
24 county jail industries program, in the workhouse, or on the county
25 farm, or on the public improvements and maintenance projects of the
26 county or a political subdivision located in whole or in part in the
27 county, or while the defendant [~~he~~] is serving the defendant's

1 ~~[his]~~ jail sentence, and in such instances the defendant is ~~[he~~
2 ~~shall be]~~ entitled to the credit ~~[he has]~~ earned under this
3 subsection during the time that the defendant ~~[he]~~ has served and
4 the defendant ~~[he]~~ shall only be required to pay the ~~[his]~~ balance
5 of the pecuniary fine assessed against the defendant ~~[him]~~. A
6 defendant who performs labor under this article during a day in
7 which the defendant ~~[he]~~ is confined is entitled to both the credit
8 for confinement and the credit for labor provided by this article.

9 (g) In the court's ~~[its]~~ order requiring a defendant to
10 perform ~~[participate in]~~ community service ~~[work]~~ under Subsection
11 (f) ~~[of this article]~~, the court must specify:

12 (1) the number of hours of community service the
13 defendant is required to perform ~~[work]~~; ~~[and]~~

14 (2) whether the community supervision and corrections
15 department or a court-related services office will perform the
16 administrative duties required by the placement of the defendant in
17 the community service program; and

18 (3) the date by which the defendant must submit to the
19 court documentation verifying the defendant's completion of the
20 community service.

21 (h) The court may order the defendant to perform community
22 service ~~[work]~~ under Subsection (f):

23 (1) by attending a work and job skills training
24 program, preparatory class for the high school equivalency
25 examination administered under Section 7.111, Education Code, or
26 similar activity; or

27 (2) [of this article only] for:

1 (A) a governmental entity;

2 (B) ~~[or]~~ a nonprofit organization or another
3 organization that provides services to the general public that
4 enhance social welfare and the general well-being of the community,
5 as determined by the court;

6 (C) a religious organization;

7 (D) a neighborhood association or group; or

8 (E) an educational institution.

9 (h-1) An [A—governmental] entity [or—nonprofit
10 organization] that accepts a defendant under Subsection (f) [of
11 this article] to perform community service must agree to supervise,
12 either on-site or remotely, the defendant in the performance of the
13 defendant's community service ~~[work]~~ and report on the defendant's
14 community service ~~[work]~~ to the district probation department or
15 court-related services office.

16 (j) A court may not order a defendant to perform more than 16
17 hours per week of community service under Subsection (f) [of this
18 article] unless the court determines that requiring the defendant
19 to perform ~~[work]~~ additional hours does not impose an undue ~~[work-a]~~
20 hardship on the defendant or the defendant's dependents.

21 (l) A sheriff, employee of a sheriff's department, county
22 commissioner, county employee, county judge, an employee of a
23 community corrections and supervision department, restitution
24 center, or officer or employee of a political subdivision other
25 than a county or an entity that accepts a defendant under this
26 article to perform community service is not liable for damages
27 arising from an act or failure to act in connection with manual

1 labor performed by an inmate or community service performed by a
2 defendant under [~~pursuant to~~] this article if the act or failure to
3 act:

4 (1) was performed pursuant to confinement or other
5 court order; and

6 (2) was not intentional, wilfully or wantonly
7 negligent, or performed with conscious indifference or reckless
8 disregard for the safety of others.

9 SECTION 7. Article 43.091, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR
12 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A court may waive
13 payment of all or part of a fine or costs [~~cost~~] imposed on a
14 defendant [~~who defaults in payment~~] if the court determines:

15 (1) that:

16 (A) [~~(1)~~] the defendant is indigent or does not
17 have sufficient resources or income to pay all or part of the fine
18 or costs or was, at the time the offense was committed, a child as
19 defined by Article 45.058(h); and

20 (B) [~~(2)~~] each alternative method of discharging
21 the fine or cost under Article 43.09 or 42.15 would impose an undue
22 hardship on the defendant; or

23 (2) that the waiver is in the interest of justice.

24 SECTION 8. Article 45.014, Code of Criminal Procedure, is
25 amended by adding Subsections (e), (f), and (g) to read as follows:

26 (e) A justice or judge may not issue an arrest warrant for
27 the defendant's failure to appear, including failure to appear as

1 required by a citation issued under Article 14.06(b), unless:

2 (1) the justice or judge provides by telephone or
3 regular mail to the defendant notice that includes:

4 (A) a date and time, occurring within the 30-day
5 period following the date that notice is provided, when the
6 defendant must appear before the justice or judge;

7 (B) the name and address of the court with
8 jurisdiction in the case and a telephone number that the defendant
9 may use to request an alternative date or time under Subsection (f);

10 (C) information regarding alternatives to the
11 full payment of any fine or costs owed by the defendant, if the
12 defendant is unable to pay that amount; and

13 (D) an explanation of the consequences if the
14 defendant fails to appear before the justice or judge as required by
15 this article; and

16 (2) the defendant fails to appear before the justice
17 or judge as required by this article.

18 (f) A defendant who receives notice under Subsection (e) may
19 request an alternative date or time to appear before the justice or
20 judge if the defendant is unable to appear on the date and time
21 included in the notice.

22 (g) A justice or judge shall recall an arrest warrant for
23 the defendant's failure to appear if the defendant voluntarily
24 appears and makes a good faith effort to resolve the arrest warrant
25 before the warrant is executed.

26 SECTION 9. Article 45.016, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 45.016. PERSONAL BOND; BAIL BOND. (a) The justice or
2 judge may require the defendant to give a personal bond [~~bail~~] to
3 secure the defendant's appearance in accordance with this code.

4 (b) The justice or judge may not, either instead of or in
5 addition to the personal bond, require a defendant to give a bail
6 bond, as defined by Article 17.02, or require a surety or other
7 security unless:

8 (1) the defendant fails to appear in accordance with
9 this code with respect to the applicable offense; and

10 (2) the justice or judge determines that the defendant
11 has sufficient resources or income to give a bail bond or that a
12 surety or other security is necessary to secure the defendant's
13 appearance in accordance with this code.

14 (c) If before the expiration of a 48-hour period following
15 the issuance of the applicable order a defendant described by
16 Subsections (b)(1) and (2) does not give a required bail bond, the
17 justice or judge:

18 (1) shall reconsider the requirement for the defendant
19 to give the bail bond and presume that the defendant does not have
20 sufficient resources or income to give the bond; and

21 (2) may require the defendant to give a personal bond.

22 (d) If the defendant refuses to give a personal bond or,
23 except as provided by Subsection (c), refuses or otherwise fails to
24 give a bail bond, the defendant may be held in custody.

25 SECTION 10. Article 45.041, Code of Criminal Procedure, is
26 amended by adding Subsection (a-1) and amending Subsection (b) to
27 read as follows:

1 (a-1) Notwithstanding any other provision of this article,
2 at the punishment stage in a case in which the defendant entered a
3 plea in open court as provided by Article 27.14(a) or 27.16(a), the
4 justice or judge may impose a fine and costs only if the justice or
5 judge makes a determination that the defendant has sufficient
6 resources or income to pay all or part of the fine and costs. In
7 making that determination, the justice or judge shall consider the
8 defendant's financial history and any other information relevant to
9 the defendant's ability to pay.

10 (b) Subject to Subsections (b-2) and (b-3) and Article
11 45.0491, the justice or judge may direct the defendant:

12 (1) to pay:

13 (A) the entire fine and costs when sentence is
14 pronounced;

15 (B) the entire fine and costs at some later date;
16 or

17 (C) a specified portion of the fine and costs at
18 designated intervals;

19 (2) if applicable, to make restitution to any victim
20 of the offense; and

21 (3) to satisfy any other sanction authorized by law.

22 SECTION 11. Article 45.0425(a), Code of Criminal Procedure,
23 is amended to read as follows:

24 (a) If the court from whose judgment and sentence the appeal
25 is taken is in session, the court must approve the bail. The amount
26 of an appeal [~~a bail~~] bond may not be less than two times the amount
27 of the fine and costs adjudged against the defendant, payable to the

1 State of Texas. The appeal bond [~~bail~~] may not in any case be for an
2 amount [~~a sum~~] less than \$50. If the appeal bond otherwise meets
3 the requirements of this code, the court without requiring a court
4 appearance by the defendant shall approve the appeal bond in the
5 amount the court under Article 27.14(b) notified the defendant
6 would be approved.

7 SECTION 12. Article 45.045, Code of Criminal Procedure, is
8 amended by adding Subsections (a-2) and (a-3) to read as follows:

9 (a-2) The court may not issue a capias pro fine for the
10 defendant's failure to satisfy the judgment according to its terms
11 unless the court holds a hearing on the defendant's ability to
12 satisfy the judgment and:

13 (1) the defendant fails to appear at the hearing; or
14 (2) based on evidence presented at the hearing, the
15 court makes a determination that:

16 (A) the defendant is not indigent and has failed
17 to make a good faith effort to discharge the fine or costs; or

18 (B) the defendant is indigent and:
19 (i) has failed to make a good faith effort
20 to discharge the fine or costs under Article 45.049; and
21 (ii) could have discharged the fine or
22 costs under Article 45.049 without experiencing any undue hardship.

23 (a-3) The court shall recall a capias pro fine if, before
24 the capias pro fine is executed, the defendant voluntarily appears
25 to resolve the amount owed.

26 SECTION 13. Article 45.046(a), Code of Criminal Procedure,
27 is amended to read as follows:

1 (a) When a judgment and sentence have been entered against a
2 defendant and the defendant defaults in the discharge of the
3 judgment, the judge may order the defendant confined in jail until
4 discharged by law if the judge at a hearing makes a written
5 determination that:

6 (1) the defendant is not indigent and has failed to
7 make a good faith effort to discharge the fine or [~~and~~] costs; or

8 (2) the defendant is indigent and:

9 (A) has failed to make a good faith effort to
10 discharge the fine or [~~finer and~~] costs under Article 45.049; and

11 (B) could have discharged the fine or [~~finer and~~]
12 costs under Article 45.049 without experiencing any undue hardship.

13 SECTION 14. Article 45.048, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed
16 in jail on account of failure to pay the fine and costs shall be
17 discharged on habeas corpus by showing that the defendant:

18 (1) is too poor to pay the fine and costs; or

19 (2) has remained in jail a sufficient length of time to
20 satisfy the fine and costs, at the rate of not less than \$100 [~~\$50~~]
21 for each period [~~of time~~] served, as specified by the convicting
22 court in the judgment in the case.

23 (b) A convicting court may specify a period [~~of time~~] that
24 is not less than eight hours or more than 24 hours as the period for
25 which a defendant who fails to pay the fine [~~finer~~] and costs in the
26 case must remain in jail to satisfy \$100 [~~\$50~~] of the fine and
27 costs.

1 SECTION 15. Article 45.049, Code of Criminal Procedure, is
2 amended by amending Subsections (b), (c), (d), (e), (f), and (g) and
3 adding Subsection (c-1) to read as follows:

4 (b) In the justice's or judge's order requiring a defendant
5 to perform [~~participate in~~] community service [~~work~~] under this
6 article, the justice or judge must specify:

7 (1) the number of hours of community service the
8 defendant is required to perform; and

9 (2) the date by which the defendant must submit to the
10 court documentation verifying the defendant's completion of the
11 community service [~~work~~].

12 (c) The justice or judge may order the defendant to perform
13 community service [~~work~~] under this article:

14 (1) by attending a work and job skills training
15 program, a preparatory class for the high school equivalency
16 examination administered under Section 7.111, Education Code, or
17 similar activity; or

18 (2) [~~only~~] for:

19 (A) a governmental entity;

20 (B) [~~or~~] a nonprofit organization or another
21 organization that provides services to the general public that
22 enhance social welfare and the general well-being of the community,
23 as determined by the justice or judge;

24 (C) a religious organization;

25 (D) a neighborhood association or group; or

26 (E) an educational institution.

27 (c-1) An [~~A governmental~~] entity [~~or nonprofit~~]

1 ~~organization~~] that accepts a defendant under this article to
2 perform community service must agree to supervise, either on-site
3 or remotely, the defendant in the performance of the defendant's
4 community service [~~work~~] and report on the defendant's community
5 service [~~work~~] to the justice or judge who ordered the [~~community~~]
6 service.

7 (d) A justice or judge may not order a defendant to perform
8 more than 16 hours per week of community service under this article
9 unless the justice or judge determines that requiring the defendant
10 to perform [~~work~~] additional hours does not impose an undue [~~work-a~~]
11 hardship on the defendant or the defendant's dependents.

12 (e) A defendant is considered to have discharged not less
13 than \$100 [~~\$50~~] of fines or costs for each eight hours of community
14 service performed under this article.

15 (f) A sheriff, employee of a sheriff's department, county
16 commissioner, county employee, county judge, justice of the peace,
17 municipal court judge, or officer or employee of a political
18 subdivision other than a county or an entity that accepts a
19 defendant under this article to perform community service is not
20 liable for damages arising from an act or failure to act in
21 connection with community service [~~manual labor~~] performed by a
22 defendant under this article if the act or failure to act:

- 23 (1) was performed pursuant to court order; and
24 (2) was not intentional, wilfully or wantonly
25 negligent, or performed with conscious indifference or reckless
26 disregard for the safety of others.

27 (g) This subsection applies only to a defendant who is

1 charged with a traffic offense or an offense under Section 106.05,
2 Alcoholic Beverage Code, and is a resident of this state. If under
3 Article 45.051(b)(10), Code of Criminal Procedure, the judge
4 requires the defendant to perform community service as a condition
5 of the deferral, the defendant is entitled to elect whether to
6 perform the required [~~governmental entity or nonprofit~~
7 ~~organization community~~] service in:

- 8 (1) the county in which the court is located; or
- 9 (2) the county in which the defendant resides, but
10 only if the applicable entity [~~or organization~~] agrees to:

11 (A) supervise, either on-site or remotely, the
12 defendant in the performance of the defendant's community service
13 [~~work~~]; and

14 (B) report to the court on the defendant's
15 community service [~~work~~].

16 SECTION 16. Article 45.0491, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR
19 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A municipal court,
20 regardless of whether the court is a court of record, or a justice
21 court may waive payment of all or part of a fine or costs imposed on
22 a defendant [~~who defaults in payment~~] if the court determines:

- 23 (1) that:
 - 24 (A) [~~(1)~~] the defendant is indigent or does not
25 have sufficient resources or income to pay all or part of the fine
26 or costs or was, at the time the offense was committed, a child as
27 defined by Article 45.058(h); and

1 (B) [~~(2)~~] discharging the fine or [~~and~~] costs
2 under Article 45.049 or as otherwise authorized by this chapter
3 would impose an undue hardship on the defendant; or

4 (2) that the waiver is in the interest of justice.

5 SECTION 17. The heading to Article 45.0492, Code of
6 Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the
7 82nd Legislature, Regular Session, 2011, is amended to read as
8 follows:

9 Art. 45.0492. COMMUNITY SERVICE [~~OR TUTORING~~] IN
10 SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

11 SECTION 18. Article 45.0492, Code of Criminal Procedure, as
12 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
13 Regular Session, 2011, is amended by amending Subsections (b), (c),
14 (d), (f), (g), and (h) and adding Subsection (d-1) to read as
15 follows:

16 (b) A justice or judge may require a defendant described by
17 Subsection (a) to discharge all or part of the fine or costs by
18 performing community service [~~or attending a tutoring program that~~
19 ~~is satisfactory to the court~~]. A defendant may discharge an
20 obligation to perform community service [~~or attend a tutoring~~
21 ~~program~~] under this article by paying at any time the fine and costs
22 assessed.

23 (c) In the justice's or judge's order requiring a defendant
24 to perform [~~participate in~~] community service [~~work or a tutoring~~
25 ~~program~~] under this article, the justice or judge must specify:

26 (1) the number of hours of community service the
27 defendant is required to perform; and

1 (2) the date by which the defendant must submit to the
2 court documentation verifying the defendant's completion of the
3 community service [work or attend tutoring].

4 (d) The justice or judge may order the defendant to perform
5 community service ~~[work]~~ under this article:

6 (1) by attending a tutoring program, work and job
7 skills training program, preparatory class for the high school
8 equivalency examination administered under Section 7.111,
9 Education Code, or similar activity; or

10 (2) [only] for:

11 (A) a governmental entity;

12 (B) [ex] a nonprofit organization or another
13 organization that provides services to the general public that
14 enhance social welfare and the general well-being of the community,
15 as determined by the justice or judge;

16 (C) a religious organization;

17 (D) a neighborhood association or group; or

18 (E) an educational institution.

19 (d-1) An [A—governmental] entity [or—nonprofit
20 organization] that accepts a defendant under this article to
21 perform community service must agree to supervise, either on-site
22 or remotely, the defendant in the performance of the defendant's
23 community service [work] and report on the defendant's community
24 service [work] to the justice or judge who ordered the ~~[community]~~
25 service.

26 (f) A justice or judge may not order a defendant to perform
27 more than 16 hours of community service per week ~~[or attend more~~

1 ~~than 16 hours of tutoring per week]~~ under this article unless the
2 justice or judge determines that requiring the defendant to perform
3 additional hours [~~of work or tutoring]~~ does not impose an undue
4 [~~cause a~~] hardship on the defendant or the defendant's family. For
5 purposes of this subsection, "family" has the meaning assigned by
6 Section 71.003, Family Code.

7 (g) A defendant is considered to have discharged not less
8 than \$100 [~~\$50~~] of fines or costs for each eight hours of community
9 service performed [~~or tutoring program attended]~~ under this
10 article.

11 (h) A sheriff, employee of a sheriff's department, county
12 commissioner, county employee, county judge, justice of the peace,
13 municipal court judge, or officer or employee of a political
14 subdivision other than a county or an entity that accepts a
15 defendant under this article to perform community service[~~or~~
16 ~~nonprofit organization, or tutoring program]~~ is not liable for
17 damages arising from an act or failure to act in connection with
18 community service [~~an activity~~] performed by a defendant under this
19 article if the act or failure to act:

20 (1) was performed pursuant to court order; and

21 (2) was not intentional, grossly negligent, or
22 performed with conscious indifference or reckless disregard for the
23 safety of others.

24 SECTION 19. Article 45.0492, Code of Criminal Procedure, as
25 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
26 Regular Session, 2011, is amended by amending Subsections (c), (d),
27 (e), and (f) and adding Subsections (d-1) and (h) to read as

1 follows:

2 (c) In the justice's or judge's order requiring a defendant
3 to perform community service under this article, the justice or
4 judge shall specify:

5 (1) the number of hours of community service the
6 defendant is required to perform, ~~[and may]~~ not to exceed ~~[order~~
7 ~~more than]~~ 200 hours; and

8 (2) the date by which the defendant must submit to the
9 court documentation verifying the defendant's completion of the
10 community service.

11 (d) The justice or judge may order the defendant to perform
12 community service ~~[work]~~ under this article:

13 (1) by attending a work and job skills training
14 program, preparatory class for the high school equivalency
15 examination administered under Section 7.111, Education Code, or
16 similar activity; or

17 (2) [only] for:

18 (A) a governmental entity;

19 (B) [or] a nonprofit organization or another
20 organization that provides services to the general public that
21 enhance social welfare and the general well-being of the community,
22 as determined by the justice or judge;

23 (C) a religious organization;

24 (D) a neighborhood association or group; or

25 (E) an educational institution.

26 (d-1) An ~~[A governmental]~~ entity ~~[or nonprofit~~
27 ~~organization]~~ that accepts a defendant under this article to

1 perform community service must agree to supervise, either on-site
2 or remotely, the defendant in the performance of the defendant's
3 community service [~~work~~] and report on the defendant's community
4 service [~~work~~] to the justice or judge who ordered the [~~community~~]
5 service.

6 (e) A justice or judge may not order a defendant to perform
7 more than 16 hours of community service per week under this article
8 unless the justice or judge determines that requiring the defendant
9 to perform additional hours [~~of work~~] does not impose an undue
10 [~~cause a~~] hardship on the defendant or the defendant's family. For
11 purposes of this subsection, "family" has the meaning assigned by
12 Section 71.003, Family Code.

13 (f) A sheriff, employee of a sheriff's department, county
14 commissioner, county employee, county judge, justice of the peace,
15 municipal court judge, or officer or employee of a political
16 subdivision other than a county or an entity that accepts a
17 defendant under this article to perform community service is not
18 liable for damages arising from an act or failure to act in
19 connection with community service performed by a defendant under
20 this article if the act or failure to act:

- 21 (1) was performed pursuant to court order; and
22 (2) was not intentional, wilfully or wantonly
23 negligent, or performed with conscious indifference or reckless
24 disregard for the safety of others.

25 (h) A defendant is considered to have discharged not less
26 than \$100 of fines or costs for each eight hours of community
27 service performed under this article.

1 SECTION 20. Article 103.0031(j), Code of Criminal
2 Procedure, is amended to read as follows:

3 (j) A communication to the accused person regarding the
4 amount of payment that is acceptable to the court under the court's
5 standard policy for resolution of a case must include:

6 (1) a notice of the person's right to enter a plea or go
7 to trial on any offense charged; and

8 (2) a statement that, if the person is unable to pay
9 the full amount of payment that is acceptable to the court, the
10 person should contact the court regarding the alternatives to full
11 payment that are available to resolve the case.

12 SECTION 21. Section 502.010, Transportation Code, is
13 amended by amending Subsections (a) and (c) and adding Subsections
14 (b-1), (i), and (j) to read as follows:

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

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

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

24 (b-1) Information that is provided to make a determination
25 under Subsection (a)(1) and that concerns the past due status of a
26 fine or fee imposed for a criminal offense and owed to the county
27 expires on the second anniversary of the date the information was

1 provided and may not be used to refuse registration after that date.
2 Once information about a past due fine or fee is provided under
3 Subsection (b), subsequent information about 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 registration under this section
8 unless the motor vehicle is no longer subject to refusal of
9 registration because of notice received under Subsection (c).

10 (c) A county that has a contract under Subsection (b) shall
11 notify the department regarding a person for whom the county
12 assessor-collector or the department has refused to register a
13 motor vehicle on:

14 (1) the person's payment or other means of discharge,
15 including a waiver, of the past due fine, fee, or tax; or

16 (2) perfection of an appeal of the case contesting
17 payment of the fine, fee, or tax.

18 (i) A municipal court judge or justice of the peace who has
19 jurisdiction over the underlying offense may waive an additional
20 fee imposed under Subsection (f) if the judge or justice makes a
21 finding that the defendant is economically unable to pay the fee or
22 that good cause exists for the waiver.

23 (j) If a county assessor-collector is notified that the
24 court having jurisdiction over the underlying offense has waived
25 the past due fine or fee due to the defendant's indigency, the
26 county may not impose an additional fee on the defendant under
27 Subsection (f).

1 SECTION 22. Section 502.010(f), Transportation Code, as
2 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of
3 the 82nd Legislature, Regular Session, 2011, is reenacted and
4 amended to read as follows:

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

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

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

15 SECTION 23. Section 706.005, Transportation Code, is
16 amended to read as follows:

17 Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A
18 political subdivision shall immediately notify the department that
19 there is no cause to continue to deny renewal of a person's driver's
20 license based on the person's previous failure to appear or failure
21 to pay or satisfy a judgment ordering the payment of a fine and cost
22 in the manner ordered by the court in a matter involving an offense
23 described by Section 706.002(a), on payment of a fee as provided by
24 Section 706.006 and:

25 (1) the perfection of an appeal of the case for which
26 the warrant of arrest was issued or judgment arose;

27 (2) the dismissal of the charge for which the warrant

1 of arrest was issued or judgment arose, other than a dismissal with
2 prejudice by the appropriate prosecuting attorney for lack of
3 evidence;

4 (3) the posting of bond or the giving of other security
5 to reinstate the charge for which the warrant was issued;

6 (4) the payment or discharge of the fine and cost owed
7 on an outstanding judgment of the court; or

8 (5) other suitable arrangement to pay the fine and
9 cost within the court's discretion.

10 (b) The department may not continue to deny the renewal of
11 the person's driver's license under this chapter after the
12 department receives notice:

13 (1) under Subsection (a);

14 (2) that the person was acquitted of the charge on
15 which the person failed to appear;

16 (3) that the charge on which the person failed to
17 appear was dismissed with prejudice by the appropriate prosecuting
18 attorney for lack of evidence; or

19 (4) [~~(3)~~] from the political subdivision that the
20 failure to appear report or court order to pay a fine or cost
21 relating to the person:

22 (A) was sent to the department in error; or

23 (B) has been destroyed in accordance with the
24 political subdivision's records retention policy.

25 SECTION 24. Section 706.006, Transportation Code, is
26 amended by amending Subsections (a) and (b) and adding Subsections
27 (a-1) and (d) to read as follows:

1 (a) Except as provided by Subsection (d), a [A] person who
2 fails to appear for a complaint or citation for an offense described
3 by Section 706.002(a) shall be required to pay an administrative
4 fee of \$30 for each complaint or citation reported to the department
5 under this chapter, unless:

6 (1) the person is acquitted of the charges for which
7 the person failed to appear;

8 (2) the charges on which the person failed to appear
9 were dismissed with prejudice by the appropriate prosecuting
10 attorney for lack of evidence;

11 (3) the failure to appear report was sent to the
12 department in error; or

13 (4) the case regarding the complaint or citation is
14 closed and the failure to appear report has been destroyed in
15 accordance with the applicable political subdivision's records
16 retention policy.

17 (a-1) A [The] person who is required to pay a fee under
18 Subsection (a) shall pay the fee when:

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

21 (2) the underlying offense is dismissed, other than a
22 dismissal described by Subsection (a)(2); or

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

25 (b) Except as provided by Subsection (d), 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 (d) If the court having jurisdiction over the underlying
3 offense makes a finding that the person is indigent, the person may
4 not be required to pay an administrative fee under this section.
5 For purposes of this subsection, a person is presumed to be indigent
6 if the person:

7 (1) is required to attend school full time under
8 Section 25.085, Education Code;

9 (2) is a member of a household with a total annual
10 income that is below 125 percent of the applicable income level
11 established by the federal poverty guidelines; or

12 (3) receives assistance from:

13 (A) the financial assistance program established
14 under Chapter 31, Human Resources Code;

15 (B) the medical assistance program under Chapter
16 32, Human Resources Code;

17 (C) the supplemental nutrition assistance
18 program established under Chapter 33, Human Resources Code;

19 (D) the federal special supplemental nutrition
20 program for women, infants, and children authorized by 42 U.S.C.
21 Section 1786; or

22 (E) the child health plan program under Chapter
23 62, Health and Safety Code.

24 SECTION 25. Article 45.0492(e), Code of Criminal Procedure,
25 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
26 Regular Session, 2011, is repealed.

27 SECTION 26. The changes in law made by this Act to Articles

1 14.06 and 27.14, Code of Criminal Procedure, and Section 502.010
2 and Chapter 706, Transportation Code, apply only to an offense
3 committed on or after the effective date of this Act. An offense
4 committed before the effective date of this Act is governed by the
5 law in effect on the date the offense was committed, and the former
6 law is continued in effect for that purpose. For purposes of this
7 section, an offense was committed before the effective date of this
8 Act if any element of the offense occurred before that date.

9 SECTION 27. The changes in law made by this Act to Articles
10 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491,
11 Code of Criminal Procedure, and Articles 45.0492, Code of Criminal
12 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd
13 Legislature, Regular Session, 2011, and 45.0492, Code of Criminal
14 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
15 Legislature, Regular Session, 2011, apply to a sentencing
16 proceeding that commences before, on, or after the effective date
17 of this Act.

18 SECTION 28. The change in law made by this Act to Articles
19 43.05 and 45.045, Code of Criminal Procedure, applies only to a
20 capias pro fine issued on or after the effective date of this Act. A
21 capias pro fine issued before the effective date of this Act is
22 governed by the law in effect on the date the capias pro fine was
23 issued, and the former law is continued in effect for that purpose.

24 SECTION 29. The changes in law made by this Act to Article
25 45.016, Code of Criminal Procedure, apply only to a bond executed on
26 or after the effective date of this Act. A bond executed before the
27 effective date of this Act is governed by the law in effect when the

1 bond was executed, and the former law is continued in effect for
2 that purpose.

3 SECTION 30. The change in law made by this Act to Article
4 45.048, Code of Criminal Procedure, applies to a defendant who is
5 placed in jail on or after the effective date of this Act for
6 failure to pay the fine and costs imposed on conviction of an
7 offense, regardless of whether the offense for which the defendant
8 was convicted was committed before, on, or after the effective date
9 of this Act.

10 SECTION 31. This Act takes effect only if a specific
11 appropriation for the implementation of the Act is provided in a
12 general appropriations act of the 85th Legislature.

13 SECTION 32. This Act takes effect September 1, 2017.