

By: Zaffirini

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 amount;

20 [] 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 deliver
23 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 a court may impose a fine and costs only if the court makes a written
22 determination that the defendant has sufficient resources or income
23 to pay all or part of the fine and costs. In making that
24 determination, the court shall consider the defendant's financial
25 history and any other information relevant to the defendant's
26 ability to pay, including whether the defendant:

27 (1) is a full-time student;

1 (2) is a member of a household with a total annual
2 income that is:

3 (A) at or below the applicable income level
4 established by the federal poverty guidelines; or

5 (B) below the state or local median household
6 income; or

7 (3) receives financial assistance from any federal,
8 state, or local assistance program.

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

11 (1) to pay the entire fine and costs when sentence is
12 pronounced;

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

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

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

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

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

24 (2) based on evidence presented at the hearing, the
25 court makes a written determination that:

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

1 (B) the defendant is indigent and:

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

4 (ii) could have discharged the fine or
5 costs under Article 43.09(f) without experiencing any undue
6 hardship.

7 (a-2) The court shall recall a capias pro fine if, before
8 the capias pro fine is executed, the defendant voluntarily appears
9 to resolve the amount owed.

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

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

1 labor at \$100 [~~\$50~~] for each day; provided, however, that the
2 defendant may pay the pecuniary fine assessed against the defendant
3 [~~him~~] at any time while the defendant [~~he~~] is serving at work in the
4 county jail industries program, in the workhouse, or on the county
5 farm, or on the public improvements and maintenance projects of the
6 county or a political subdivision located in whole or in part in the
7 county, or while the defendant [~~he~~] is serving the defendant's
8 [~~his~~] jail sentence, and in such instances the defendant is [~~he~~
9 ~~shall be~~] entitled to the credit [~~he has~~] earned under this
10 subsection during the time that the defendant [~~he~~] has served and
11 the defendant [~~he~~] shall only be required to pay the [~~his~~] balance
12 of the pecuniary fine assessed against the defendant [~~him~~]. A
13 defendant who performs labor under this article during a day in
14 which the defendant [~~he~~] is confined is entitled to both the credit
15 for confinement and the credit for labor provided by this article.

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

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

21 (2) whether the community supervision and corrections
22 department or a court-related services office will perform the
23 administrative duties required by the placement of the defendant in
24 the community service program.

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

27 (1) by attending a work and job skills training

1 program, preparatory class for the high school equivalency
2 examination administered under Section 7.111, Education Code, or
3 similar activity; or

4 (2) [~~of this article only~~] for:

5 (A) a governmental entity;

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

10 (C) a religious organization;

11 (D) a neighborhood association or group; or

12 (E) an educational institution.

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

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

25 (l) A sheriff, employee of a sheriff's department, county
26 commissioner, county employee, county judge, an employee of a
27 community corrections and supervision department, restitution

1 center, or officer or employee of a political subdivision other
2 than a county or an entity that accepts a defendant under this
3 article to perform community service is not liable for damages
4 arising from an act or failure to act in connection with manual
5 labor performed by an inmate or community service performed by a
6 defendant under [~~pursuant to~~] this article if the act or failure to
7 act:

8 (1) was performed pursuant to confinement or other
9 court order; and

10 (2) was not intentional, wilfully or wantonly
11 negligent, or performed with conscious indifference or reckless
12 disregard for the safety of others.

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

15 Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR
16 INDIGENT DEFENDANTS AND CHILDREN. A court may waive payment of a
17 fine or cost imposed on a defendant [~~who defaults in payment~~] if the
18 court determines that:

19 (1) the defendant is indigent or was, at the time the
20 offense was committed, a child as defined by Article 45.058(h); and

21 (2) each alternative method of discharging the fine or
22 cost under Article 43.09 or 42.15 would impose an undue hardship on
23 the defendant.

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 certified mail to the defendant notice that includes:

4 (A) at least two dates and times, occurring
5 within the 30-day period following the date that notice is
6 provided, when the defendant may appear before the justice or
7 judge;

8 (B) the name and address of the court with
9 jurisdiction in the case;

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 within the
15 period described by Paragraph (A); and

16 (2) the defendant fails to appear before the justice
17 or judge on or before the 30th day after the date that notice is
18 provided under Subdivision (1).

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

23 (g) A justice or judge shall recall an arrest warrant for
24 the defendant's failure to appear if the defendant voluntarily
25 appears to resolve the arrest warrant before the warrant is
26 executed.

27 SECTION 9. Article 45.016, Code of Criminal Procedure, is

1 amended to read as follows:

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

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

10 (c) If the defendant refuses ~~[fails]~~ to give a personal bond
11 ~~[bail]~~, the defendant may be held in custody.

12 SECTION 10. Article 45.019(a), Code of Criminal Procedure,
13 is amended to read as follows:

14 (a) A complaint is sufficient, without regard to its form,
15 if it substantially satisfies the following requisites:

16 (1) it must be in writing;

17 (2) it must commence "In the name and by the authority
18 of the State of Texas";

19 (3) it must state the name of the accused, if known, or
20 if unknown, must include a reasonably definite description of the
21 accused;

22 (4) it must show that the accused has committed an
23 offense against the law of this state, or state that the affiant has
24 good reason to believe and does believe that the accused has
25 committed an offense against the law of this state;

26 (5) it must state the date the offense was committed as
27 definitely as the affiant is able to provide;

1 (6) it must contain information regarding the
2 alternatives to the full payment of any fine or costs assessed
3 against the accused, if the accused is convicted of the offense and
4 is unable to pay that amount;

5 (7) it must bear the signature or mark of the affiant;
6 and

7 (8) [~~(7)~~] it must conclude with the words "Against the
8 peace and dignity of the State" and, if the offense charged is an
9 offense only under a municipal ordinance, it may also conclude with
10 the words "Contrary to the said ordinance".

11 SECTION 11. Article 45.041, Code of Criminal Procedure, is
12 amended by adding Subsection (a-1) and amending Subsection (b) to
13 read as follows:

14 (a-1) Notwithstanding any other provision of this article,
15 the justice or judge may impose a fine and costs only if the justice
16 or judge makes a written determination that the defendant has
17 sufficient resources or income to pay all or part of the fine and
18 costs. In making that determination, the justice or judge shall
19 consider the defendant's financial history and any other
20 information relevant to the defendant's ability to pay, including
21 whether the defendant:

22 (1) is a full-time student;

23 (2) is a member of a household with a total annual
24 income that is:

25 (A) at or below the applicable income level
26 established by the federal poverty guidelines; or

27 (B) below the state or local median household

1 income; or

2 (3) receives financial assistance from any federal,
3 state, or local assistance program.

4 (b) Subject to Subsections (b-2) and (b-3) and Article
5 45.0491, the justice or judge may direct the defendant:

6 (1) to pay:

7 (A) the entire fine and costs when sentence is
8 pronounced;

9 (B) the entire fine and costs at some later date;

10 or

11 (C) a specified portion of the fine and costs at
12 designated intervals;

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

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

16 SECTION 12. Article 45.0425(a), Code of Criminal Procedure,
17 is amended to read as follows:

18 (a) If the court from whose judgment and sentence the appeal
19 is taken is in session, the court must approve the bail. The amount
20 of an appeal [~~a bail~~] bond may not be less than two times the amount
21 of the fine and costs adjudged against the defendant, payable to the
22 State of Texas. The appeal bond [~~bail~~] may not in any case be for an
23 amount [~~a sum~~] less than \$50. If the appeal bond otherwise meets
24 the requirements of this code, the court without requiring a court
25 appearance by the defendant shall approve the appeal bond in the
26 amount the court under Article 27.14(b) notified the defendant
27 would be approved.

1 SECTION 13. Article 45.045, Code of Criminal Procedure, is
2 amended by adding Subsections (a-2) and (a-3) to read as follows:

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

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

8 (2) based on evidence presented at the hearing, the
9 court makes a written determination that:

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

12 (B) the defendant is indigent and:

13 (i) has failed to make a good faith effort
14 to discharge the fine or costs under Article 45.049; and

15 (ii) could have discharged the fine or
16 costs under Article 45.049 without experiencing any undue hardship.

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

20 SECTION 14. Article 45.046(a), Code of Criminal Procedure,
21 is amended to read as follows:

22 (a) When a judgment and sentence have been entered against a
23 defendant and the defendant defaults in the discharge of the
24 judgment, the judge may order the defendant confined in jail until
25 discharged by law if the judge at a hearing makes a written
26 determination that:

27 (1) the defendant is not indigent and has failed to

1 make a good faith effort to discharge the fine or [~~and~~] costs; or

2 (2) the defendant is indigent and:

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

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

7 SECTION 15. Article 45.048, Code of Criminal Procedure, is
8 amended to read as follows:

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

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

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

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

22 SECTION 16. Article 45.049, Code of Criminal Procedure, is
23 amended by amending Subsections (b), (c), (d), (e), (f), and (g) and
24 adding Subsection (c-1) to read as follows:

25 (b) In the justice's or judge's order requiring a defendant
26 to perform [~~participate in~~] community service [~~work~~] under this
27 article, the justice or judge must specify the number of hours of

1 community service the defendant is required to perform [~~work~~].

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

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

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

9 (A) a governmental entity;

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

14 (C) a religious organization;

15 (D) a neighborhood association or group; or

16 (E) an educational institution.

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

24 (d) A justice or judge may not order a defendant to perform
25 more than 16 hours per week of community service under this article
26 unless the justice or judge determines that requiring the defendant
27 to perform [~~work~~] additional hours does not impose an undue [~~work-a~~]

1 hardship on the defendant or the defendant's dependents.

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

5 (f) A sheriff, employee of a sheriff's department, county
6 commissioner, county employee, county judge, justice of the peace,
7 municipal court judge, or officer or employee of a political
8 subdivision other than a county or an entity that accepts a
9 defendant under this article to perform community service is not
10 liable for damages arising from an act or failure to act in
11 connection with community service [~~manual labor~~] performed by a
12 defendant under this article if the act or failure to act:

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

14 (2) was not intentional, wilfully or wantonly
15 negligent, or performed with conscious indifference or reckless
16 disregard for the safety of others.

17 (g) This subsection applies only to a defendant who is
18 charged with a traffic offense or an offense under Section 106.05,
19 Alcoholic Beverage Code, and is a resident of this state. If under
20 Article 45.051(b)(10), Code of Criminal Procedure, the judge
21 requires the defendant to perform community service as a condition
22 of the deferral, the defendant is entitled to elect whether to
23 perform the required [~~governmental entity or nonprofit~~
24 ~~organization community~~] service in:

25 (1) the county in which the court is located; or

26 (2) the county in which the defendant resides, but
27 only if the applicable entity [~~or organization~~] agrees to:

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

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

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

8 Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR
9 INDIGENT DEFENDANTS AND FOR CHILDREN. A municipal court,
10 regardless of whether the court is a court of record, or a justice
11 court may waive payment of a fine or costs imposed on a defendant
12 [~~who defaults in payment~~] if the court determines that:

13 (1) the defendant is indigent or was, at the time the
14 offense was committed, a child as defined by Article 45.058(h); and

15 (2) discharging the fine and costs under Article
16 45.049 or as otherwise authorized by this chapter would impose an
17 undue hardship on the defendant.

18 SECTION 18. The heading to Article 45.0492, Code of
19 Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the
20 82nd Legislature, Regular Session, 2011, is amended to read as
21 follows:

22 Art. 45.0492. COMMUNITY SERVICE [~~OR—TUTORING~~] IN
23 SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

24 SECTION 19. Article 45.0492, Code of Criminal Procedure, as
25 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
26 Regular Session, 2011, is amended by amending Subsections (b), (c),
27 (d), (f), (g), and (h) and adding Subsection (d-1) to read as

1 follows:

2 (b) A justice or judge may require a defendant described by
3 Subsection (a) to discharge all or part of the fine or costs by
4 performing community service [~~or attending a tutoring program that~~
5 ~~is satisfactory to the court~~]. A defendant may discharge an
6 obligation to perform community service [~~or attend a tutoring~~
7 ~~program~~] under this article by paying at any time the fine and costs
8 assessed.

9 (c) In the justice's or judge's order requiring a defendant
10 to perform [~~participate in~~] community service [~~work or a tutoring~~
11 ~~program~~] under this article, the justice or judge must specify the
12 number of hours of community service the defendant is required to
13 perform [~~work or attend tutoring~~].

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

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

20 (2) [only] for:

21 (A) a governmental entity;

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

26 (C) a religious organization;

27 (D) a neighborhood association or group; or

1 (E) an educational institution.

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

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

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

21 (h) A sheriff, employee of a sheriff's department, county
22 commissioner, county employee, county judge, justice of the peace,
23 municipal court judge, or officer or employee of a political
24 subdivision other than a county or an entity that accepts a
25 defendant under this article to perform community service [~~or~~
26 ~~nonprofit organization, or tutoring program~~] is not liable for
27 damages arising from an act or failure to act in connection with

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

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

4 (2) was not intentional, grossly negligent, or
5 performed with conscious indifference or reckless disregard for the
6 safety of others.

7 SECTION 20. Article 45.0492, Code of Criminal Procedure, as
8 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
9 Regular Session, 2011, is amended by amending Subsections (d), (e),
10 and (f) and adding Subsections (d-1) and (h) to read as follows:

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 21. Article 45.051(a), Code of Criminal Procedure,
2 is amended to read as follows:

3 (a) On a plea of guilty or nolo contendere by a defendant or
4 on a finding of guilt in a misdemeanor case punishable by fine only
5 and payment of all court costs, the judge may defer further
6 proceedings without entering an adjudication of guilt and place the
7 defendant on probation for a period not to exceed 180 days. In
8 issuing the order of deferral, the judge may impose a special
9 expense fee on the defendant in an amount not to exceed the amount
10 of the fine that could be imposed on the defendant as punishment for
11 the offense. The special expense fee may be collected at any time
12 before the date on which the period of probation ends. The judge
13 may elect not to impose the special expense fee for good cause shown
14 by the defendant. If the judge orders the collection of a special
15 expense fee, the judge shall require that the amount of the special
16 expense fee be credited toward the payment of the amount of the fine
17 imposed by the judge. An order of deferral under this subsection
18 terminates any liability under a personal [~~bail bond or an~~
19 ~~appearance~~] bond given for the charge.

20 SECTION 22. Article 45.0511(t), Code of Criminal Procedure,
21 is amended to read as follows:

22 (t) An order of deferral under Subsection (c) terminates any
23 liability under a personal [~~bail bond or appearance~~]
24 the charge.

25 SECTION 23. Articles 103.0031(a), (b), (d), (f), (g), and
26 (j), Code of Criminal Procedure, are amended to read as follows:

27 (a) The commissioners court of a county or the governing

1 body of a municipality may enter into a contract with a private
2 attorney or a public or private vendor for the provision of
3 collection services for one or more of the following items:

4 (1) debts and accounts receivable such as unpaid
5 fines, fees, court costs, forfeited bonds, and restitution ordered
6 paid by:

7 (A) a court serving the county or a court serving
8 the municipality, as applicable; or

9 (B) a hearing officer serving the municipality
10 under Chapter 682, Transportation Code; and

11 (2) ~~[amounts in cases in which the accused has failed~~
12 ~~to appear:~~

13 ~~[(A) as promised under Subchapter A, Chapter 543,~~
14 ~~Transportation Code, or other law;~~

15 ~~[(B) in compliance with a lawful written notice~~
16 ~~to appear issued under Article 14.06(b) or other law;~~

17 ~~[(C) in compliance with a lawful summons issued~~
18 ~~under Article 15.03(b) or other law;~~

19 ~~[(D) in compliance with a lawful order of a court~~
20 ~~serving the county or municipality; or~~

21 ~~[(E) as specified in a citation, summons, or~~
22 ~~other notice authorized by Section 682.002, Transportation Code,~~
23 ~~that charges the accused with a parking or stopping offense; and~~

24 ~~[(3)]~~ false alarm penalties or fees imposed by a
25 county under Chapter 118 or 233, Local Government Code, or by a
26 municipality under a municipal ordinance.

27 (b) A commissioners court or governing body of a

1 municipality that enters into a contract with a private attorney or
2 private vendor under this article may authorize the addition of a
3 collection fee in the amount of 15 [~~30~~] percent on each item
4 described in Subsection (a) that is more than 60 days past due and
5 has been referred to the attorney or vendor for collection. The
6 collection fee does not apply to a case that has been dismissed by a
7 court of competent jurisdiction or to any amount that has been
8 satisfied through time-served credit or community service. The
9 collection fee may be applied to any balance remaining after a
10 partial credit for time served or community service if the balance
11 is more than 60 days past due. Unless the contract provides
12 otherwise, the court shall calculate the amount of any collection
13 fee due to the governmental entity or to the private attorney or
14 private vendor performing the collection services and shall receive
15 all fees, including the collection fee. [~~With respect to cases~~
16 ~~described by Subsection (a)(2), the amount to which the 30 percent~~
17 ~~collection fee applies is:~~

18 [~~(1) the amount to be paid that is communicated to the~~
19 ~~accused as acceptable to the court under its standard policy for~~
20 ~~resolution of the case, if the accused voluntarily agrees to pay~~
21 ~~that amount, or~~

22 [~~(2) the amount ordered paid by the court after plea or~~
23 ~~trial.]~~

24 (d) A county or municipality may not enter into a contract
25 under Subsection (a) for the provision of collection services in
26 cases in which [~~defendant is not liable for the collection fees~~
27 ~~authorized under Subsection (b) if] the court with [~~of original]~~~~

1 jurisdiction over the case has determined the defendant is
2 indigent, or has insufficient resources or income, or is otherwise
3 unable to pay all or part of the applicable amount owed [~~underlying~~
4 ~~fine or costs~~].

5 (f) An item subject to collection services under Subsection
6 (a) and to the additional collection fee authorized by Subsection
7 (b) is considered more than 60 days past due under Subsection (b) if
8 it remains unpaid on the 61st day after the following appropriate
9 date:

10 (1) with respect to an item described by Subsection
11 (a)(1), the date on which the debt, fine, fee, forfeited bond, or
12 court cost must be paid in full as determined by the court or
13 hearing officer; or

14 (2) with respect to an item described by Subsection
15 (a)(2), [~~the date by which the accused promised to appear or was~~
16 ~~notified, summoned, or ordered to appear, or~~

17 [~~(3) with respect to an item described by Subsection~~
18 ~~(a)(3),~~] the date on which a penalty or fee is due under a rule or
19 order adopted under Chapter 233, Local Government Code, or an
20 ordinance, policy, procedure, or rule of a municipality.

21 (g) A county or municipality that enters into a contract
22 under Subsection (a) may not use the additional 15 [~~30~~] percent
23 collection fee authorized by Subsection (b) for any purpose other
24 than compensating the private attorney or private vendor who earns
25 the fee.

26 (j) A communication to the accused person regarding the
27 amount of payment that is acceptable to the court under the court's

1 standard policy for resolution of a case must include:

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

4 (2) information regarding the alternatives to the full
5 payment of any fine or costs assessed against the person, if the
6 person is convicted of the offense and is unable to pay that amount.

7 SECTION 24. Section 102.0212, Government Code, is amended
8 to read as follows:

9 Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT
10 CODE. A person convicted of an offense shall pay the following
11 under the Local Government Code, in addition to all other costs:

12 (1) court costs on conviction of a felony (Sec.
13 133.102, Local Government Code) . . . \$133;

14 (2) court costs on conviction of a Class A or Class B
15 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

16 (3) court costs on conviction of a nonjailable
17 misdemeanor offense, including a criminal violation of a municipal
18 ordinance, other than a conviction of an offense relating to a
19 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
20 Government Code) . . . \$40;

21 (4) ~~[a time payment fee if convicted of a felony or~~
22 ~~misdemeanor for paying any part of a fine, court costs, or~~
23 ~~restitution on or after the 31st day after the date on which a~~
24 ~~judgment is entered assessing the fine, court costs, or restitution~~
25 ~~(Sec. 133.103, Local Government Code) . . . \$25;~~

26 [(5)] a cost on conviction of any offense, other than
27 an offense relating to a pedestrian or the parking of a motor

1 vehicle (Sec. 133.105, Local Government Code) . . . \$6; and

2 (5) [~~6~~] a cost on conviction of any offense, other
3 than an offense relating to a pedestrian or the parking of a motor
4 vehicle (Sec. 133.107, Local Government Code) . . . \$2.

5 SECTION 25. Section 103.021, Government Code, is amended to
6 read as follows:

7 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
8 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
9 or a party to a civil suit, as applicable, shall pay the following
10 fees and costs under the Code of Criminal Procedure if ordered by
11 the court or otherwise required:

12 (1) a personal bond fee (Art. 17.42, Code of Criminal
13 Procedure) . . . the greater of \$20 or three percent of the amount
14 of the bail fixed for the accused;

15 (2) cost of electronic monitoring as a condition of
16 release on personal bond (Art. 17.43, Code of Criminal Procedure)
17 . . . actual cost;

18 (3) a fee for verification of and monitoring of motor
19 vehicle ignition interlock (Art. 17.441, Code of Criminal
20 Procedure) . . . not to exceed \$10;

21 (3-a) costs associated with operating a global
22 positioning monitoring system as a condition of release on bond
23 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
24 subject to a determination of indigency;

25 (3-b) costs associated with providing a defendant's
26 victim with an electronic receptor device as a condition of the
27 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal

1 Procedure) . . . actual costs, subject to a determination of
2 indigency;

3 (4) repayment of reward paid by a crime stoppers
4 organization on conviction of a felony (Art. 37.073, Code of
5 Criminal Procedure) . . . amount ordered;

6 (5) reimbursement to general revenue fund for payments
7 made to victim of an offense as condition of community supervision
8 (Chapter 42A, Code of Criminal Procedure) . . . not to exceed \$50
9 for a misdemeanor offense or \$100 for a felony offense;

10 (6) payment to a crime stoppers organization as
11 condition of community supervision (Chapter 42A, Code of Criminal
12 Procedure) . . . not to exceed \$50;

13 (7) children's advocacy center fee (Chapter 42A, Code
14 of Criminal Procedure) . . . not to exceed \$50;

15 (8) family violence center fee (Chapter 42A, Code of
16 Criminal Procedure) . . . \$100;

17 (9) community supervision fee (Chapter 42A, Code of
18 Criminal Procedure) . . . not less than \$25 or more than \$60 per
19 month;

20 (10) additional community supervision fee for certain
21 offenses (Chapter 42A, Code of Criminal Procedure) . . . \$5 per
22 month;

23 (11) for certain financially able sex offenders as a
24 condition of community supervision, the costs of treatment,
25 specialized supervision, or rehabilitation (Chapter 42A, Code of
26 Criminal Procedure) . . . all or part of the reasonable and
27 necessary costs of the treatment, supervision, or rehabilitation as

1 determined by the judge;

2 (12) fee for failure to appear for trial in a justice
3 or municipal court if a jury trial is not waived (Art. 45.026, Code
4 of Criminal Procedure) . . . costs incurred for impaneling the
5 jury;

6 (13) costs of certain testing, assessments, or
7 programs during a deferral period (Art. 45.051, Code of Criminal
8 Procedure) . . . amount ordered;

9 (14) special expense on dismissal of certain
10 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
11 . . . not to exceed amount of fine assessed;

12 (15) an additional fee:

13 (A) for a copy of the defendant's driving record
14 to be requested from the Department of Public Safety by the judge
15 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
16 to the sum of the fee established by Section 521.048,
17 Transportation Code, and the state electronic Internet portal fee;

18 (B) as an administrative fee for requesting a
19 driving safety course or a course under the motorcycle operator
20 training and safety program for certain traffic offenses to cover
21 the cost of administering the article (Art. 45.0511(f)(1), Code of
22 Criminal Procedure) . . . not to exceed \$10; or

23 (C) for requesting a driving safety course or a
24 course under the motorcycle operator training and safety program
25 before the final disposition of the case (Art. 45.0511(f)(2), Code
26 of Criminal Procedure) . . . not to exceed the maximum amount of the
27 fine for the offense committed by the defendant;

1 (16) a request fee for teen court program (Art.
2 [45.052](#), Code of Criminal Procedure) . . . \$20, if the court
3 ordering the fee is located in the Texas-Louisiana border region,
4 but otherwise not to exceed \$10;

5 (17) a fee to cover costs of required duties of teen
6 court (Art. [45.052](#), Code of Criminal Procedure) . . . \$20, if the
7 court ordering the fee is located in the Texas-Louisiana border
8 region, but otherwise \$10;

9 (18) a mileage fee for officer performing certain
10 services (Art. [102.001](#), Code of Criminal Procedure) . . . \$0.15 per
11 mile;

12 (19) certified mailing of notice of hearing date (Art.
13 [102.006](#), Code of Criminal Procedure) . . . \$1, plus postage;

14 (20) certified mailing of certified copies of an order
15 of expunction (Art. [102.006](#), Code of Criminal Procedure) . . . \$2,
16 plus postage;

17 (20-a) a fee to defray the cost of notifying state
18 agencies of orders of expungement (Art. [45.0216](#), Code of Criminal
19 Procedure) . . . \$30 per application;

20 (21) sight orders:

21 (A) if the face amount of the check or sight order
22 does not exceed \$10 (Art. [102.007](#), Code of Criminal Procedure)
23 . . . not to exceed \$10;

24 (B) if the face amount of the check or sight order
25 is greater than \$10 but does not exceed \$100 (Art. [102.007](#), Code of
26 Criminal Procedure) . . . not to exceed \$15;

27 (C) if the face amount of the check or sight order

1 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
2 Criminal Procedure) . . . not to exceed \$30;

3 (D) if the face amount of the check or sight order
4 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
5 Criminal Procedure) . . . not to exceed \$50; and

6 (E) if the face amount of the check or sight order
7 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
8 . . . not to exceed \$75;

9 (22) fees for a pretrial intervention program:

10 (A) a supervision fee (Art. 102.012(a), Code of
11 Criminal Procedure) . . . \$60 a month plus expenses; and

12 (B) a district attorney, criminal district
13 attorney, or county attorney administrative fee (Art. 102.0121,
14 Code of Criminal Procedure) . . . not to exceed \$500;

15 (23) parking fee violations for child safety fund in
16 municipalities with populations:

17 (A) greater than 850,000 (Art. 102.014, Code of
18 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

19 (B) less than 850,000 (Art. 102.014, Code of
20 Criminal Procedure) . . . not to exceed \$5;

21 ~~(24) [an administrative fee for collection of fines,~~
22 ~~fees, restitution, or other costs (Art. 102.072, Code of Criminal~~
23 ~~Procedure) . . . not to exceed \$2 for each transaction;~~

24 ~~[(25)]~~ a collection fee, if authorized by the
25 commissioners court of a county or the governing body of a
26 municipality, for certain debts and accounts receivable, including
27 unpaid fines, fees, court costs, forfeited bonds, and restitution

1 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 15
2 [~~30~~] percent of an amount more than 60 days past due; and

3 (25) [~~(26)~~] a cost on conviction for the truancy
4 prevention and diversion fund (Art. 102.015, Code of Criminal
5 Procedure) . . . \$2.

6 SECTION 26. Section 133.003, Local Government Code, is
7 amended to read as follows:

8 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
9 following criminal fees:

10 (1) the consolidated fee imposed under Section
11 133.102;

12 (2) [~~the time payment fee imposed under Section~~
13 ~~133.103,~~

14 [~~(3)~~] fees for services of peace officers employed by
15 the state imposed under Article 102.011, Code of Criminal
16 Procedure, and forwarded to the comptroller as provided by Section
17 133.104;

18 (3) [~~(4)~~] costs on conviction imposed in certain
19 statutory county courts under Section 51.702, Government Code, and
20 deposited in the judicial fund;

21 (4) [~~(5)~~] costs on conviction imposed in certain
22 county courts under Section 51.703, Government Code, and deposited
23 in the judicial fund;

24 (5) [~~(6)~~] the administrative fee for failure to appear
25 or failure to pay or satisfy a judgment imposed under Section
26 706.006, Transportation Code;

27 (6) [~~(7)~~] fines on conviction imposed under Section

1 621.506(g), Transportation Code;

2 (7) [~~(8)~~] the fee imposed under Article 102.0045, Code
3 of Criminal Procedure;

4 (8) [~~(9)~~] the cost on conviction imposed under Section
5 133.105 and deposited in the judicial fund; and

6 (9) [~~(10)~~] the cost on conviction imposed under
7 Section 133.107.

8 SECTION 27. Section 502.010, Transportation Code, is
9 amended by amending Subsection (a) and adding Subsections (b-1),
10 (i), and (j) to read as follows:

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

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

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

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

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

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

11 (j) If any court having jurisdiction over an offense with
12 respect to which a fine or fee was imposed makes a finding that the
13 defendant is economically unable to pay the fine or fee:

14 (1) a county assessor-collector or the department may
15 not refuse to register the defendant's motor vehicle under this
16 section; and

17 (2) a county may not impose an additional fee on the
18 defendant under Subsection (f).

19 SECTION 28. Section 502.010(f), Transportation Code, as
20 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of
21 the 82nd Legislature, Regular Session, 2011, is reenacted and
22 amended to read as follows:

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

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

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

6 SECTION 29. Section 521.242(a), Transportation Code, is
7 amended to read as follows:

8 (a) A person whose license has been suspended for a cause
9 other than a physical or mental disability or impairment or a
10 conviction of an offense under Sections 49.04-49.08, Penal Code,
11 may apply for an occupational license by filing a verified petition
12 with the clerk of a municipal, justice, county, or district court
13 with jurisdiction that includes the precinct or county in which:

14 (1) the person resides; or

15 (2) the offense occurred for which the license was
16 suspended.

17 SECTION 30. Chapter 706, Transportation Code, is amended by
18 adding Section 706.0011 to read as follows:

19 Sec. 706.0011. FINDING BY COURT OF INABILITY TO PAY. If the
20 court having jurisdiction over an offense for which a fine and cost
21 were imposed makes a finding that the defendant is economically
22 unable to pay the fine and cost:

23 (1) the department may not deny renewal of the
24 defendant's license under this chapter; and

25 (2) an administrative fee may not be imposed on the
26 defendant under Section 706.006.

27 SECTION 31. Section 706.004, Transportation Code, is

1 amended by adding Subsection (c) to read as follows:

2 (c) Notwithstanding Subsection (a), the department may deny
3 renewal of a person's driver's license under this section until the
4 earlier of:

5 (1) the date the department receives clearance notice
6 under Section 706.005; or

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

9 SECTION 32. Section 706.005, Transportation Code, is
10 amended to read as follows:

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

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

21 ~~(2) [the dismissal of the charge for which the warrant~~
22 ~~of arrest was issued or judgment arose,~~

23 ~~[(3)]~~ the posting of bond or the giving of other
24 security to reinstate the charge for which the warrant was issued;

25 (3) ~~[(4)]~~ the payment or discharge of the fine and
26 cost owed on an outstanding judgment of the court; or

27 (4) ~~[(5)]~~ other suitable arrangement to pay the fine

1 and cost within the court's discretion.

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

5 (1) under Subsection (a);

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

8 (3) that the charge on which the person failed to
9 appear was dismissed; or

10 (4) [~~3~~] from the political subdivision that the
11 failure to appear report or court order to pay a fine or cost
12 relating to the person:

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

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

16 SECTION 33. Section 706.006, Transportation Code, is
17 amended by amending Subsections (a), (b), and (c) and adding
18 Subsections (d) and (e) to read as follows:

19 (a) Except as provided by Subsection (e), a [A] person who
20 fails to appear for a complaint or citation for an offense described
21 by Section 706.002(a) shall be required to pay an administrative
22 fee of \$30 for each complaint or citation reported to the department
23 under this chapter, unless the person is acquitted of the charges
24 for which the person failed to appear or those charges are
25 dismissed. The person shall pay the fee when:

26 (1) the court enters judgment on the underlying
27 offense reported to the department; or

1 (2) ~~[the underlying offense is dismissed; or~~
2 ~~[(3)]~~ bond or other security is posted to reinstate
3 the charge for which the warrant was issued.

4 (b) Except as provided by Subsection (e), a [A] person who
5 fails to pay or satisfy a judgment ordering the payment of a fine
6 and cost in the manner the court orders shall be required to pay an
7 administrative fee of \$30.

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

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

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

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

16 (e) A municipal court judge or justice of the peace who has
17 jurisdiction over the underlying offense may waive an
18 administrative fee required by this section if the judge or justice
19 makes a finding that the person is economically unable to pay the
20 fee or that good cause exists for the waiver.

21 SECTION 34. Section 708.152(b), Transportation Code, is
22 amended to read as follows:

23 (b) A license suspended under this section remains
24 suspended until the earlier of:

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

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

1 SECTION 35. Section 708.154(c), Transportation Code, is
2 amended to read as follows:

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

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

7 (2) the second anniversary of the date of suspension,
8 whichever date is earlier.

9 SECTION 36. Section 708.158, Transportation Code, is
10 amended to read as follows:

11 Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

12 (a) If the court having jurisdiction over an offense with respect
13 to which a fine and cost were imposed makes a finding that the
14 person is economically unable to pay the fine and cost, the [The]
15 department shall waive all surcharges assessed under this chapter
16 for the [a] person [who is indigent. For the purposes of this
17 section, a person is considered to be indigent if the person
18 provides the evidence described by Subsection (b) to the court].

19 (b) A person must provide information to the court in which
20 the person is convicted of the offense that is the basis for the
21 surcharge to establish that the person is economically unable to
22 pay the fine and cost [indigent]. The following documentation may
23 be used as proof:

24 (1) a copy of the person's most recent federal income
25 tax return that shows that the person's income or the person's
26 household income does not exceed 125 percent of the applicable
27 income level established by the federal poverty guidelines;

1 (2) a copy of the person's most recent statement of
2 wages that shows that the person's income or the person's household
3 income does not exceed 125 percent of the applicable income level
4 established by the federal poverty guidelines; or

5 (3) documentation from a federal agency, state agency,
6 or school district that indicates that the person or, if the person
7 is a dependent as defined by Section 152, Internal Revenue Code of
8 1986, the taxpayer claiming the person as a dependent, receives
9 assistance from:

10 (A) the food stamp program or the financial
11 assistance program established under Chapter 31, Human Resources
12 Code;

13 (B) the federal special supplemental nutrition
14 program for women, infants, and children authorized by 42 U.S.C.
15 Section 1786;

16 (C) the medical assistance program under Chapter
17 32, Human Resources Code;

18 (D) the child health plan program under Chapter
19 62, Health and Safety Code; or

20 (E) the national free or reduced-price lunch
21 program established under 42 U.S.C. Section 1751 et seq.

22 (c) Not later than the fifth day after the date the court
23 receives information described by Subsection (b) establishing that
24 a person is economically unable to pay a fine or cost, the court
25 shall notify the department of the court's finding under this
26 section.

27 SECTION 37. The following provisions are repealed:

1 (1) Articles 45.044 and 102.072, Code of Criminal
2 Procedure;

3 (2) Article 45.0492(e), Code of Criminal Procedure, as
4 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
5 Regular Session, 2011; and

6 (3) Section 133.103, Local Government Code.

7 SECTION 38. The changes in law made by this Act to Articles
8 14.06, 27.14, and 45.019, Code of Criminal Procedure, and Sections
9 502.010 and 708.158 and Chapter 706, Transportation Code, apply
10 only to an offense committed on or after the effective date of this
11 Act. An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 39. The changes in law made by this Act to Articles
18 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491,
19 Code of Criminal Procedure, and Articles 45.0492, Code of Criminal
20 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd
21 Legislature, Regular Session, 2011, and 45.0492, Code of Criminal
22 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
23 Legislature, Regular Session, 2011, apply to a sentencing
24 proceeding that commences before, on, or after the effective date
25 of this Act.

26 SECTION 40. The change in law made by this Act to Articles
27 43.05 and 45.045, Code of Criminal Procedure, applies only to a

1 capias pro fine issued on or after the effective date of this Act. A
2 capias pro fine issued before the effective date of this Act is
3 governed by the law in effect on the date the capias pro fine was
4 issued, and the former law is continued in effect for that purpose.

5 SECTION 41. The changes in law made by this Act to Articles
6 [45.016](#), [45.051](#), and [45.0511](#), Code of Criminal Procedure, apply only
7 to a bond executed on or after the effective date of this Act. A
8 bond executed before the effective date of this Act is governed by
9 the law in effect when the bond was executed, and the former law is
10 continued in effect for that purpose.

11 SECTION 42. The repeal by this Act of Article [45.044](#), Code
12 of Criminal Procedure, does not apply to a cash bond posted by a
13 defendant before the effective date of this Act. A cash bond posted
14 by a defendant before the effective date of this Act is governed by
15 the law as it existed on the date the bond was posted, and the former
16 law is continued in effect for that purpose.

17 SECTION 43. The change in law made by this Act to Article
18 [45.048](#), Code of Criminal Procedure, applies to a defendant who is
19 placed in jail on or after the effective date of this Act for
20 failure to pay the fine and costs imposed on conviction of an
21 offense, regardless of whether the offense of which the defendant
22 was convicted was committed before, on, or after the effective date
23 of this Act.

24 SECTION 44. The repeal by this Act of Article [102.072](#), Code
25 of Criminal Procedure, applies only to a transaction that occurs on
26 or after the effective date of this Act. A transaction that occurs
27 before the effective date of this Act is governed by the law in

1 effect on the date the transaction occurred, and the former law is
2 continued in effect for that purpose.

3 SECTION 45. The change in law made by this Act in amending
4 Article 103.0031, Code of Criminal Procedure, does not affect the
5 terms of a contract entered into before the effective date of this
6 Act, except that if the contract is renewed, modified, or extended
7 on or after the effective date of this Act, Article 103.0031 applies
8 to the contract beginning on the date of renewal, modification, or
9 extension.

10 SECTION 46. The repeal by this Act of Section 133.103, Local
11 Government Code, does not apply to an offense committed before the
12 effective date of this Act. An offense committed before the
13 effective date of this Act is governed by the law as it existed on
14 the date the offense was committed, and the former law is continued
15 in effect for that purpose. For purposes of this section, an
16 offense was committed before the effective date of this Act if any
17 element of the offense occurred before that date.

18 SECTION 47. This Act takes effect September 1, 2017.