

BILL ANALYSIS

H.B. 3589
By: Sanford
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that there are unnecessary barriers to attaining self-sufficiency for a person formerly incarcerated. These barriers can leave such a person frustrated and without hope, which often leads to behavior that places the person back in the criminal justice system. H.B. 3589 seeks to address this issue by allowing a person to receive credit for time served for misdemeanors punishable by fine, including outstanding traffic violations that were outstanding before such person served jail or prison time.

CRIMINAL JUSTICE IMPACT

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

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3589 amends the Code of Criminal Procedure to include in the requisite notice that a justice or judge must provide to a defendant before the justice or judge may issue an arrest warrant for the defendant's failure to appear at an initial court setting a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice is given. The bill requires a justice or judge, in imposing a fine and costs in a case involving a fine-only misdemeanor, to credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The bill requires the credit to be applied to the amount of the fine and costs at the rate of \$200 for each day of confinement. The bill requires a court, not later than the 15th day after the date a justice or judge imposes a sentence in a case in which the defendant is entitled to receive such credit, to provide a notice to the Department of Public Safety (DPS) that includes the dates of confinement for which the defendant was eligible to receive the credit and the total amount of credit the defendant was eligible to receive, regardless of the actual amount that was credited toward the fine and costs in the case.

H.B. 3589 amends the Transportation Code to require DPS to credit the amount stated in such notice toward the person's payment of any administrative fee imposed on a person who fails to appear for a complaint or citation for an applicable offense before or during the period of confinement stated in the notice and toward the person's payment of any unpaid surcharges that were assessed on the person's license before or during the period of confinement stated in the notice.

H.B. 3589 repeals Article 45.014(e), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017.

EFFECTIVE DATE

September 1, 2019.