86R8553 MAW-D

By:  Sanford H.B. No. 3589

A BILL TO BE ENTITLED

AN ACT

relating to credit toward payment of certain fines, costs, fees, and surcharges imposed on certain offenders before, during, or after a period of confinement for another offense.

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

SECTION 1.  Article 45.014(e), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(e)  A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:

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

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

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

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

(D)  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; and

(E) [~~(D)~~]  an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

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

SECTION 2.  Article 45.041, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c)  The justice or judge shall credit the defendant for time served in jail as provided by Article 42.03. The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article 45.048.

(c-1)  In addition to credit under Subsection (c), in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall 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 credit under this subsection shall be applied to the amount of the fine and costs at the rate of $200 for each day of confinement.

SECTION 3.  Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0411 to read as follows:

Art. 45.0411.  NOTICE TO DEPARTMENT OF PUBLIC SAFETY. 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 a credit toward the payment of the fine and costs under Article 45.041(c-1), the court shall provide a notice to the Texas Department of Public Safety that includes:

(1)  the total amount of credit the defendant was eligible to receive under Article 45.041(c-1), regardless of the actual amount that was credited toward the fine and costs in the case; and

(2)  the dates of confinement for which the defendant was eligible to receive the credit.

SECTION 4.  Chapter 706, Transportation Code, is amended by adding Section 706.0061 to read as follows:

Sec. 706.0061.  CREDIT TOWARD PAYMENT OF ADMINISTRATIVE FEE. The department shall credit the amount stated in the notice provided to the department under Article 45.0411, Code of Criminal Procedure, toward the person's payment of any administrative fee imposed under Section 706.006 before or during the period of confinement stated in the notice.

SECTION 5.  Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.1581 to read as follows:

Sec. 708.1581.  CREDIT TOWARD PAYMENT OF SURCHARGE. The department shall credit the amount stated in the notice provided to the department under Article 45.0411, Code of Criminal Procedure, 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.

SECTION 6.  Article 45.014(e), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 7.  Article 45.041(c-1), Code of Criminal Procedure, as added by this Act, applies to a defendant who is sentenced for an offense on or after the effective date of this Act, regardless of whether the offense is committed before, on, or after the effective date of this Act.

SECTION 8.  This Act takes effect September 1, 2019.