

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

1 if the defendant was confined in jail or prison after the commission
2 of the offense for which the notice is given; and

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

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

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

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

15 (c-1) In addition to credit under Subsection (c), in
16 imposing a fine and costs in a case involving a misdemeanor
17 punishable by a fine only, the justice or judge shall credit the
18 defendant for any time the defendant was confined in jail or prison
19 while serving a sentence for another offense if that confinement
20 occurred after the commission of the misdemeanor. The credit under
21 this subsection shall be applied to the amount of the fine and costs
22 at the rate of \$200 for each day of confinement.

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

25 Art. 45.0411. NOTICE TO DEPARTMENT OF PUBLIC SAFETY. Not
26 later than the 15th day after the date a justice or judge imposes a
27 sentence in a case in which the defendant is entitled to receive a

1 credit toward the payment of the fine and costs under Article
2 45.041(c-1), the court shall provide a notice to the Texas
3 Department of Public Safety that includes:

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

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

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

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

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

20 Sec. 708.1581. CREDIT TOWARD PAYMENT OF SURCHARGE. The
21 department shall credit the amount stated in the notice provided to
22 the department under Article 45.0411, Code of Criminal Procedure,
23 toward the person's payment of any unpaid surcharges that were
24 assessed on the person's license before or during the period of
25 confinement stated in the notice.

26 SECTION 6. Article 45.014(e), Code of Criminal Procedure,
27 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,

1 Regular Session, 2017, is repealed.

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

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