

By: Dutton

H.B. No. 4143

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a fine and costs discharged by a defendant while confined in jail or engaged in labor.

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

SECTION 1. Article 43.09(a), Code of Criminal Procedure, is amended to read as follows:

(a) When a defendant is convicted of a misdemeanor and the defendant's punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if the defendant is unable to pay the fine and costs adjudged against the defendant, the defendant may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in Article 43.10; or if there is no such county jail industries program, workhouse, farm, or improvements and maintenance projects, the defendant shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against the defendant; rating such confinement at \$200 [~~\$100~~] for each day and rating such labor at \$200 [~~\$100~~] for each day; provided, however, that the defendant may pay the pecuniary fine assessed against the defendant at any time while the defendant is serving at work in the county jail industries program,

1 in the workhouse, or on the county farm, or on the public
2 improvements and maintenance projects of the county or a political
3 subdivision located in whole or in part in the county, or while the
4 defendant is serving the defendant's jail sentence, and in such
5 instances the defendant is entitled to the credit earned under this
6 subsection during the time that the defendant has served and the
7 defendant shall only be required to pay the balance of the pecuniary
8 fine assessed against the defendant. A defendant who performs
9 labor under this article during a day in which the defendant is
10 confined is entitled to both the credit for confinement and the
11 credit for labor provided by this article.

12 SECTION 2. Article 45.048, Code of Criminal Procedure, is
13 amended to read as follows:

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

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

18 (2) has remained in jail a sufficient length of time to
19 satisfy the fine and costs, at the rate of not less than \$200 [~~\$100~~]
20 for each period served, as specified by the convicting court in the
21 judgment in the case.

22 (b) A convicting court may specify a period that is not less
23 than eight hours or more than 24 hours as the period for which a
24 defendant who fails to pay the fine and costs in the case must
25 remain in jail to satisfy \$200 [~~\$100~~] of the fine and costs.

26 SECTION 3. (a) The change in law made by this Act to Article
27 43.09(a), Code of Criminal Procedure, applies only to a defendant

1 convicted of a misdemeanor on or after the effective date of this
2 Act, regardless of whether the misdemeanor was committed before,
3 on, or after the effective date of this Act.

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

10 SECTION 4. This Act takes effect September 1, 2019.