

By: West

S.B. No. 192

A BILL TO BE ENTITLED

AN ACT

relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.

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

1 of the offense for which the notice is given; and

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

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

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

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

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

22 SECTION 3. Article 45.014(e), Code of Criminal Procedure,
23 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,
24 Regular Session, 2017, is repealed.

25 SECTION 4. Article 45.041(c-1), Code of Criminal Procedure,
26 as added by this Act, applies to a defendant who is sentenced for an
27 offense on or after the effective date of this Act, regardless of

1 whether the offense is committed before, on, or after the effective
2 date of this Act.

3 SECTION 5. This Act takes effect September 1, 2021.