

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Sanford, Rose, Thierry, White, Crockett,  
et al.

H.B. No. 569

A BILL TO BE ENTITLED

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

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

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

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

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

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

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

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

22 (D) a statement that the defendant may be  
23 entitled to a credit toward any fine or costs owed by the defendant  
24 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 not less than \$150 for each day of confinement.

22 SECTION 3. Article 45.048, Code of Criminal Procedure, is  
23 amended to read as follows:

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

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

1           (2) has remained in jail a sufficient length of time to  
2 satisfy the fine and costs, at the rate of not less than \$150 [~~\$100~~]  
3 for each period served, as specified by the convicting court in the  
4 judgment in the case.

5           (b) A convicting court may specify a period that is not less  
6 than eight hours or more than 24 hours as the period for which a  
7 defendant who fails to pay the fine and costs in the case must  
8 remain in jail to satisfy \$150 [~~\$100~~] of the fine and costs.

9           SECTION 4. Article 45.014(e), Code of Criminal Procedure,  
10 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,  
11 Regular Session, 2017, is repealed.

12           SECTION 5. Article 45.041(c-1), Code of Criminal Procedure,  
13 as added by this Act, applies to a defendant who is sentenced for an  
14 offense on or after the effective date of this Act, regardless of  
15 whether the offense is committed before, on, or after the effective  
16 date of this Act.

17           SECTION 6. Article 45.048, Code of Criminal Procedure, as  
18 amended by this Act, applies to a defendant who is placed in jail on  
19 or after the effective date of this Act for failure to pay the fine  
20 and costs imposed on conviction of an offense, regardless of  
21 whether the offense for which the defendant was convicted was  
22 committed before, on, or after the effective date of this Act.

23           SECTION 7. This Act takes effect September 1, 2021.

**ADOPTED**

*uv*  
**MAY 13 2021**

*Lacey Spaw*  
Secretary of the Senate

*Royce West*

FLOOR AMENDMENT NO. 1

BY: \_\_\_\_\_

1 Amend H.B. No. 569 (senate committee report) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. This Act may be cited as the Bonton Farms Act.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 13, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB569** by Sanford (Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.), **As Passed 2nd House**

**The fiscal implications to the State cannot be determined due to a lack of case-specific data to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only; to determine the amount of time a defendant spends in confinement between arrest and sentencing; and to segregate revenues from costs imposed on defendants who spend time in confinement and those not confined.**

The bill would amend the Code of Criminal Procedure to require a justice or judge to apply jail credit toward any outstanding fine or costs in a misdemeanor case punishable by a fine only if the defendant is subsequently confined in a jail or prison in another case if that confinement occurred after the commission of the misdemeanor. The credit would be applied to the amount of the fine and costs at the rate of not less than \$150 for each day of confinement.

The bill would amend the Code of Criminal Procedure to require that the notice required before a justice or judge may issue an arrest warrant for a defendant's failure to appear in a justice or municipal court must include a statement that the defendant may be entitled to jail credit toward any outstanding fine or costs in the case if the defendant was confined in jail or prison on another case after committing the offense for which the defendant failed to appear.

The bill would also provide that a defendant placed in jail on account of a failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant is too poor to pay the fine and costs or has remained in jail a sufficient length of time to satisfy the fine and costs.

Based on the analysis of the Office of Court Administration (OCA), the fiscal impact of the bill cannot be determined. The OCA reports that it does not collect case-specific data and has no way to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only.

Based on the analysis of the Comptroller of Public Accounts, the provisions of the bill would impact costs imposed on eligible defendants, including various court costs, fines, and fees due to credit being used toward payments of the imposed costs. The extent to which state revenues would be reduced cannot be estimated due to the lack of statewide data necessary to determine the amount of time a defendant spends in confinement between arrest and sentencing and to segregate revenue from costs imposed on defendants who spend time in confinement and revenue from defendants who do not spend time in confinement.

The bill would take effect September 1, 2021.

**Local Government Impact**

Montgomery County Justice Courts do not anticipate a fiscal impact. The fiscal impact to other units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, LBO, DKN, MW, BH, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 3, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB569** by Sanford (Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.), **As Engrossed**

**The fiscal implications to the State cannot be determined due to a lack of case-specific data to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only; to determine the amount of time a defendant spends in confinement between arrest and sentencing; and to segregate revenues from costs imposed on defendants who spend time in confinement and those not confined.**

The bill would amend the Code of Criminal Procedure to require a justice or judge to apply jail credit toward any outstanding fine or costs in a misdemeanor case punishable by a fine only if the defendant is subsequently confined in a jail or prison in another case if that confinement occurred after the commission of the misdemeanor. The credit would be applied to the amount of the fine and costs at the rate of not less than \$150 for each day of confinement.

The bill would amend the Code of Criminal Procedure to require that the notice required before a justice or judge may issue an arrest warrant for a defendant's failure to appear in a justice or municipal court must include a statement that the defendant may be entitled to jail credit toward any outstanding fine or costs in the case if the defendant was confined in jail or prison on another case after committing the offense for which the defendant failed to appear.

The bill would also provide that a defendant placed in jail on account of a failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant is too poor to pay the fine and costs or has remained in jail a sufficient length of time to satisfy the fine and costs.

Based on the analysis of the Office of Court Administration (OCA), the fiscal impact of the bill cannot be determined. The OCA reports that it does not collect case-specific data and has no way to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only.

Based on the analysis of the Comptroller of Public Accounts, the provisions of the bill would impact costs imposed on eligible defendants, including various court costs, fines, and fees due to credit being used toward payments of the imposed costs. The extent to which state revenues would be reduced cannot be estimated due to the lack of statewide data necessary to determine the amount of time a defendant spends in confinement between arrest and sentencing and to segregate revenue from costs imposed on defendants who spend time in confinement and revenue from defendants who do not spend time in confinement.

The bill would take effect September 1, 2021.

**Local Government Impact**

Montgomery County Justice Courts do not anticipate a fiscal impact. The fiscal impact to other units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, DKN, MW, BH, AF



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 7, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB569** by Sanford (Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.), **As Introduced**

**The fiscal implications to the State cannot be determined due to a lack of case-specific data to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only; to determine the amount of time a defendant spends in confinement between arrest and sentencing; and to segregate revenues from costs imposed on defendants who spend time in confinement and those not confined.**

The bill would amend the Code of Criminal Procedure to require a justice or judge to apply jail credit toward any outstanding fine or costs in a misdemeanor case punishable by a fine only if the defendant is subsequently confined in a jail or prison in another case if that confinement occurred after the commission of the misdemeanor. The credit would be applied to the amount of the fine and costs at the rate of \$200 for each day of confinement.

The bill would also amend the Code of Criminal Procedure to require that the notice required before a justice or judge may issue an arrest warrant for a defendant's failure to appear in a justice or municipal court must include a statement that the defendant may be entitled to jail credit toward any outstanding fine or costs in the case if the defendant was confined in jail or prison on another case after committing the offense for which the defendant failed to appear.

Based on the analysis of the Office of Court Administration (OCA), the fiscal impact of the bill cannot be determined. The OCA reports that it does not collect case-specific data and has no way to determine if a particular defendant would be confined or imprisoned for another offense after committing a misdemeanor punishable by fine only.

Based on the analysis of the Comptroller of Public Accounts, the provisions of the bill would impact costs imposed on eligible defendants, including various court costs, fines, and fees due to credit being used toward payments of the imposed costs. The extent to which state revenues would be reduced cannot be estimated due to the lack of statewide data necessary to determine the amount of time a defendant spends in confinement between arrest and sentencing and to segregate revenue from costs imposed on defendants who spend time in confinement and revenue from defendants who do not spend time in confinement.

The bill would take effect September 1, 2021.

**Local Government Impact**

Dallas County anticipates a cost savings as a result of the bill, but the extent of that savings cannot be determined at this time.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, DKn, MW, BH