

By: Zaffirini

S.B. No. 352

A BILL TO BE ENTITLED

AN ACT

relating to credit toward payment of fines and costs for certain defendants.

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

SECTION 1. Articles 43.09(a) and (k), Code of Criminal Procedure, are 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 \$150 [~~\$100~~] for each day and rating such labor at \$150 [~~\$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 labor  
9 under this article during a day in which the defendant is confined  
10 is entitled to both the credit for confinement and the credit for  
11 labor provided by this article.

12 (k) A defendant is considered to have discharged \$150 [~~\$100~~]  
13 of fines or costs for each eight hours of community service  
14 performed under Subsection (f) of this article.

15 SECTION 2. Article 45.041(c-1), Code of Criminal Procedure,  
16 is amended to read as follows:

17 (c-1) In addition to credit under Subsection (c), in  
18 imposing a fine and costs in a case involving a misdemeanor  
19 punishable by a fine only, the justice or judge shall credit the  
20 defendant for any time the defendant was confined in jail or prison  
21 while awaiting trial or serving a sentence for another offense if  
22 that confinement occurred after the commission of the misdemeanor.  
23 The credit under this subsection shall be applied to the amount of  
24 the fine and costs at the rate of not less than \$150 for each day of  
25 confinement.

26 SECTION 3. Article 45.049(e), Code of Criminal Procedure,  
27 is amended to read as follows:

1 (e) A defendant is considered to have discharged not less  
2 than \$150 [~~\$100~~] of fines or costs for each eight hours of community  
3 service performed under this article.

4 SECTION 4. Article 45.0492(g), Code of Criminal Procedure,  
5 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
6 Regular Session, 2011, is amended to read as follows:

7 (g) A defendant is considered to have discharged not less  
8 than \$150 [~~\$100~~] of fines or costs for each eight hours of community  
9 service performed under this article.

10 SECTION 5. Article 45.0492(h), Code of Criminal Procedure,  
11 as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,  
12 Regular Session, 2011, is amended to read as follows:

13 (h) A defendant is considered to have discharged not less  
14 than \$150 [~~\$100~~] of fines or costs for each eight hours of community  
15 service performed under this article.

16 SECTION 6. Article 43.09(a), Code of Criminal Procedure, as  
17 amended by this Act, applies to a defendant who is confined or  
18 performs labor to discharge fines or costs on or after the effective  
19 date of this Act, regardless of whether the offense for which the  
20 fines or costs were imposed occurred before, on, or after the  
21 effective date of this Act.

22 SECTION 7. The changes in law made by this Act to Articles  
23 43.09(k) and 45.049(e), Code of Criminal Procedure, Article  
24 45.0492(g), Code of Criminal Procedure, as added by Chapter 227  
25 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011,  
26 and Article 45.0492(h), Code of Criminal Procedure, as added by  
27 Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular

1 Session, 2011, apply to a defendant who performs community service  
2 to discharge fines or costs on or after the effective date of this  
3 Act, regardless of whether the offense for which the fines or costs  
4 were imposed occurred before, on, or after the effective date of  
5 this Act.

6 SECTION 8. Article [45.041\(c-1\)](#), Code of Criminal Procedure,  
7 as amended by this Act, applies to a defendant who is sentenced for  
8 an offense on or after the effective date of this Act, regardless of  
9 whether the offense was committed before, on, or after that date.

10 SECTION 9. This Act takes effect September 1, 2023.