

## **BILL ANALYSIS**

C.S.H.B. 2658  
By: Moody  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties explain that a *capias pro fine* directs a peace officer to bring a defendant before a court for a hearing to determine whether the defendant had the ability to pay the fine for the misdemeanor or felony for which the defendant was convicted but chose not to pay. The parties also note that a *capias pro fine* authorizes a defendant to be placed in jail if the defendant cannot be brought before the court immediately, such as when the judge of the court is unavailable. These parties assert that this is an inefficient system that may cost a county money instead of producing revenue and may unfairly incarcerate those who have no ability to pay. C.S.H.B. 2658 seeks to address this issue by revising certain provisions relating to *capias pro fines*.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2658 amends the Code of Criminal Procedure to authorize a peace officer, instead of placing a defendant for whom a *capias pro fine* has been issued and who cannot be brought before the court immediately in jail until the business day following the date of the defendant's arrest, to bring the defendant before another court that is in the same territorial jurisdiction or county as, and that has concurrent jurisdiction with, the court that issued the *capias pro fine*. The bill authorizes a court that is in the same county as, and that has concurrent jurisdiction with, a justice or municipal court that entered a judgment and sentence against a defendant who has defaulted in the discharge of the judgment to conduct a hearing regarding the defendant's default and whether the defendant is indigent if the defendant cannot be immediately brought before the court that entered the judgment and sentence.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2658 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 43.05(b), Code of Criminal Procedure, is amended.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) Instead of placing the defendant in jail as authorized by Subsection (a), the peace officer may bring the defendant before another court that is in the same county as, and that has concurrent jurisdiction with, the court that issued the capias pro fine.

SECTION 3. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a hearing described by Subsection (a), if the defendant cannot be immediately brought before the court that entered the judgment and sentence against the defendant, another court that is in the same county as, and that has concurrent jurisdiction with, the court that entered the judgment and sentence may conduct the hearing.

SECTION 4. Same as introduced version.