

- SUBJECT:** Waiver of court fines and costs for some indigent defendants
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 5 ayes — Hinojosa, Talton, Garcia, Kitchen, Martinez Fischer
0 nays
4 absent — Dunnam, Keel, Green, Shields
- WITNESSES:** For — *Registered but did not testify:* Keith S. Hampton, Texas Criminal Defense Lawyers Association; William Harrell, ACLU; Shanna Igo
Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 43.03(a) allows courts to order defendants who do not pay court-ordered fines or costs to be confined in jail and given credit toward the fine and costs for each day in jail or to discharge the fines and costs in a manner listed in art. 43.09, such as providing labor for government work projects.
- DIGEST:** CSHB 2410 would allow municipal and justice courts to waive fines and costs not paid by defendants. Courts could waive payment if the court determined that the defendant was indigent and each alternative method of discharging the fine or cost listed in Code of Criminal Procedure, art. 43.09 would impose an undue hardship on the defendant.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001. CSHB 2410 would apply to fines and costs imposed before, on, or after the bill's effective date.
- SUPPORTERS SAY:** CSHB 2410 would give judges more flexibility in handling defendants who had been assessed court fines and costs but cannot pay them. Current law allows judges to let these defendants discharge their fines only by sending them to jail or having them perform work such as on community projects.

Jail or community work may not be appropriate in all cases, such as when a defendant is indigent and disabled or otherwise incapable of work. CSHB 2410 would give judges options for handling the limited number of cases described by the bill. Defendants would have to be indigent, and alternative methods of discharging fines would have to impose an undue hardship on them.

OPPONENTS
SAY:

Defendants should be held responsible for their court fines or costs. It would be unfair to forgive some defendants fines and costs while requiring others to work or to spend time in jail to discharge their fines.

NOTES:

The committee substitute added justice courts to the bill.