

BILL ANALYSIS

Senate Research Center
77R12532 JMC-D

H.B. 2410
By: Martinez Fischer (West, Royce)
Criminal Justice
5/11/2001
Engrossed

DIGEST AND PURPOSE

In addition to city-imposed court fines, fees, and costs, the State of Texas assesses certain costs and fees against defendants in municipal court. Under current Texas law, municipal courts are authorized to discharge the costs only if other types of penalties are applied, including manual labor, community service, and confinement to jail. H.B. 2410 authorizes certain municipal court judges or justice courts to waive costs and fees under certain conditions for a defendant who has defaulted on a required payment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 43.03(a), Code of Criminal Procedure, to authorize the court after a hearing under Subsection (d) of this article, if a defendant is sentenced to pay a fine or costs or both and the defendant defaults in payment, to order the defendant confined in jail until discharged as provided by law, to order the defendant to discharge the fines and costs in any other manner provided by Article 43.09 of this code, or to waive payment of the fines and costs as provided by Article 43.091.

SECTION 2. Amends Chapter 43, Code of Criminal Procedure, by adding Article 43.091, as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS IN JUSTICE OR MUNICIPAL COURT. Authorizes a municipal court, regardless of whether the court is a court of record, or a justice court to waive payment of a fine or cost imposed on a defendant who defaults in payment if the court makes certain determinations.

SECTION 3. Provides that the change in law made by this Act applies to a fine or cost imposed by a justice or municipal court on conviction of an offense, regardless of whether the offense was committed before, on, or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2001.