

## **BILL ANALYSIS**

Senate Research Center  
87R15728 MCF-F

H.B. 80  
By: Johnson, Jarvis et al. (Whitmire)  
Criminal Justice  
5/17/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The number of youth in foster care is increasing statewide with more than 11,000 children entering the conservatorship of the Department of Family and Protective Services (DFPS) during the last 10 years. Foster youth who accrue justice-related debts from unpaid fines and other court costs are more likely to reoffend when compared to their peers who are able to pay.

H.B. 80 seeks to address this issue by prohibiting courts from requiring defendants under DFPS conservatorship or in extended foster care to pay fines and costs that might otherwise be charged for fine-only misdemeanors and by authorizing courts to prescribe community service in lieu of paying the fines and costs.

H.B. 80 amends the Code of Criminal Procedure to prohibit a justice of the peace or municipal court judge from requiring a defendant who is under the conservatorship of DFPS, or in extended foster care, to pay any amount of a fine and costs imposed by the justice or judge. The bill authorizes the justice or judge to require the defendant to perform community service in lieu of the payment of fine and costs as appropriate. The bill applies to a sentencing proceeding that commences before, on, or after the bill's effective date.

H.B. 80 amends current law relating to the discharge by certain defendants of fines and costs through community service.

### **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 45.041, Code of Criminal Procedure, by adding Subsection (b-6), as follows:

(b-6) Prohibits the justice or judge, notwithstanding Subsection (a-1) (relating to a justice or judge inquiring whether the defendant has sufficient resources or income to pay for the fine and costs) or any other provision of Chapter 45 (Justice and Municipal Courts) when imposing a fine and costs, from requiring a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care as provided by Subchapter G (Extended Jurisdiction After Child's 18th Birthday), Chapter 263 (Review of Placement of Children Under Care of Department of Family and Protective Services), Family Code, to pay any amount of the fine and costs. Authorizes the justice or judge, in lieu of the payment of fine and costs, to require the defendant to perform community service as provided by Article 45.049 (Community Service in Satisfaction of Fine or Costs), 45.0492 (Community Service in Satisfaction of Fine or Costs for Certain Juvenile Defendants), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, as appropriate.

SECTION 2. Provides that the change in law made by this Act applies to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.  
SRC-MMN H.B. 80 87(R)