

By: White

H.B. No. 3729

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the administrative, civil, and criminal consequences,  
3 including fines, fees, and costs, imposed on persons arrested for,  
4 charged with, or convicted of certain criminal offenses.

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

6 SECTION 1. Article 14.06(b), Code of Criminal Procedure, is  
7 amended to read as follows:

8 (b) A peace officer who is charging a person, including a  
9 child, with committing an offense that is a [~~Class C~~] misdemeanor  
10 punishable by a fine only, other than an offense under Section  
11 49.02, Penal Code, may, instead of taking the person before a  
12 magistrate, issue a citation to the person that contains written  
13 notice of the time and place the person must appear before a  
14 magistrate, the name and address of the person charged, the offense  
15 charged, and the following admonishment, in boldfaced or underlined  
16 type or in capital letters:

17 "If you are convicted of a misdemeanor offense involving  
18 violence where you are or were a spouse, intimate partner, parent,  
19 or guardian of the victim or are or were involved in another,  
20 similar relationship with the victim, it may be unlawful for you to  
21 possess or purchase a firearm, including a handgun or long gun, or  
22 ammunition, pursuant to federal law under 18 U.S.C. Section  
23 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any  
24 questions whether these laws make it illegal for you to possess or

1 purchase a firearm, you should consult an attorney.

2 "If you are ordered to pay a fine or costs in this case and  
3 are unable to afford the amount owed, contact the court  
4 immediately. You may be able to discharge the fine or costs by  
5 performing community service. In some circumstances, you may be  
6 able to have all or part of the fine or costs waived."

7 SECTION 2. Article 45.014, Code of Criminal Procedure, is  
8 amended by adding Subsections (e), (f), and (g) to read as follows:

9 (e) A justice or judge may not issue an arrest warrant for  
10 the defendant's failure to appear unless:

11 (1) the justice or judge provides by telephone or  
12 certified mail to the defendant notice that includes:

13 (A) at least two dates and times, occurring  
14 within the 30-day period following the date that notice is  
15 provided, when the defendant may appear before the justice or  
16 judge;

17 (B) the name and address of the court with  
18 jurisdiction in the case;

19 (C) information regarding alternatives to the  
20 full payment of any fine or costs owed by the defendant, if the  
21 defendant is unable to pay that amount; and

22 (D) an explanation of the consequences if the  
23 defendant fails to appear before the justice or judge within the  
24 period described by Paragraph (A); and

25 (2) the defendant fails to appear before the justice  
26 or judge on or before the 30th day after the date that notice is  
27 provided under Subdivision (1).

1       (f) A defendant who receives notice under Subsection (e) may  
2 request an alternative date or time to appear before the justice or  
3 judge if the defendant is unable to appear on a date and at a time  
4 provided in the notice.

5       (g) A defendant who voluntarily appears before a justice or  
6 judge to resolve an outstanding arrest warrant or an unpaid fine or  
7 cost may not be arrested on a warrant for any misdemeanor punishable  
8 by fine only during or immediately before or after the defendant's  
9 appearance.

10       SECTION 3. Article [45.023](#), Code of Criminal Procedure, is  
11 amended by adding Subsection (e) to read as follows:

12       (e) A justice or judge who accepts the defendant's plea of  
13 guilty or nolo contendere shall advise the defendant that,  
14 regardless of the defendant's ability to pay, the defendant may  
15 request to perform community service under Article [45.049](#) to  
16 discharge any fine or cost imposed on the defendant in the case.

17       SECTION 4. Article [45.041](#), Code of Criminal Procedure, is  
18 amended by amending Subsections (b) and (b-2) and adding Subsection  
19 (b-2a) to read as follows:

20       (b) Subject to Subsections (b-2), (b-2a), and (b-3) and  
21 Article [45.0491](#), the justice or judge may direct the defendant:

22               (1) to pay:

23                       (A) the entire fine and costs when sentence is  
24 pronounced;

25                       (B) the entire fine and costs at some later date;

26 or

27                       (C) a specified portion of the fine and costs at

1 designated intervals;

2 (2) if applicable, to make restitution to any victim  
3 of the offense; and

4 (3) to satisfy any other sanction authorized by law.

5 (b-2) When imposing a fine and costs, [~~if the justice or~~  
6 ~~judge determines that the defendant is unable to immediately pay~~  
7 ~~the fine and costs,~~] the justice or judge:

8 (1) shall seek information from the defendant that is  
9 relevant to a determination of whether the defendant is able to  
10 immediately pay the fine or costs; and

11 (2) if the justice or judge determines that the  
12 defendant is unable to immediately pay the fine or costs, shall  
13 allow the defendant to pay the fine or [and] costs, as applicable,  
14 in specified portions at designated intervals.

15 (b-2a) When imposing a fine and costs, the justice or judge  
16 may require the defendant to perform community service as provided  
17 by Article 45.049 to discharge all or part of the fine or costs.

18 SECTION 5. Article 45.045, Code of Criminal Procedure, is  
19 amended by amending Subsection (a) and adding Subsection (a-2) to  
20 read as follows:

21 (a) If the defendant is not in custody when the judgment is  
22 rendered or, subject to Subsection (a-2), if the defendant fails to  
23 satisfy the judgment according to its terms, the court may order a  
24 capias pro fine, as defined by Article 43.015, issued for the  
25 defendant's arrest. The capias pro fine shall state the amount of  
26 the judgment and sentence[~~7~~] and shall command the appropriate  
27 peace officer to:

1           (1) bring the defendant before the court immediately;

2 or

3           (2) [~~place the defendant in jail until the business~~  
4 ~~day following the date of the defendant's arrest~~] if the defendant  
5 cannot be brought before the court immediately, confine the  
6 defendant in jail and bring the defendant before the court not later  
7 than 24 hours after the time of the defendant's arrest, provided  
8 that if the defendant is not brought before the court within that  
9 period, the person having custody of the defendant shall release  
10 the defendant.

11           (a-2) The court may not issue a capias pro fine for the  
12 defendant's failure to satisfy the judgment according to its terms  
13 unless:

14           (1) the court provides by certified mail to the  
15 defendant notice that includes:

16                   (A) a statement that the defendant has failed to  
17 satisfy the judgment according to its terms;

18                   (B) a date and time, occurring not later than the  
19 21st day after the date that notice is mailed, when the court will  
20 hold a hearing on the defendant's failure to satisfy the judgment  
21 according to its terms; and

22                   (C) the location at which the hearing will be  
23 held; and

24           (2) either:

25                   (A) the defendant fails to appear at the hearing;

26 or

27                   (B) based on evidence presented at the hearing,

1 the court makes a written determination that:

2 (i) the defendant is not indigent and has  
3 failed to make a good faith effort to discharge the fine or costs;  
4 or

5 (ii) the defendant is indigent and:

6 (a) has failed to make a good faith  
7 effort to discharge the fine or costs under Article 45.049; and

8 (b) could have discharged the fine or  
9 costs under Article 45.049 without experiencing any undue hardship.

10 SECTION 6. Article 45.046(a), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (a) When a judgment and sentence have been entered against a  
13 defendant and the defendant defaults in the discharge of the  
14 judgment, the judge may order the defendant confined in jail until  
15 discharged by law if the judge at a hearing makes a written  
16 determination that:

17 (1) the defendant is not indigent and has failed to  
18 make a good faith effort to discharge the fine or ~~[and]~~ costs; or

19 (2) the defendant is indigent and:

20 (A) has failed to make a good faith effort to  
21 discharge the fine or ~~[fines and]~~ costs under Article 45.049; and

22 (B) could have discharged the fine or ~~[fines and]~~  
23 costs under Article 45.049 without experiencing any undue hardship.

24 SECTION 7. Article 45.048, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed  
27 in jail on account of failure to pay the fine and costs shall be

1 discharged on habeas corpus by showing that the defendant:

2 (1) is too poor to pay the fine and costs; ~~or~~

3 (2) has remained in jail a sufficient length of time to  
4 satisfy the fine and costs, at the rate of not less than \$300 ~~[\$50]~~  
5 for each period ~~[of time]~~ served, as specified by the convicting  
6 court in the judgment in the case; or

7 (3) has remained in jail for a cumulative period of 72  
8 hours.

9 (b) A convicting court may specify a period ~~[of time]~~ that  
10 is not less than eight hours or more than 24 hours as the period for  
11 which a defendant who fails to pay the fine ~~[fines]~~ and costs in the  
12 case must remain in jail to satisfy \$300 ~~[\$50]~~ of the fine and  
13 costs.

14 (c) Notwithstanding any other law, if a defendant placed in  
15 jail on account of failure to pay the fine and costs has remained in  
16 jail for a cumulative period of 72 hours and the amount owed has not  
17 been fully discharged, the convicting court shall release the  
18 defendant from jail and shall waive the remaining amount owed.

19 SECTION 8. Article [45.049](#), Code of Criminal Procedure, is  
20 amended by amending Subsections (a), (b), (c), (d), (e), and (g) and  
21 adding Subsections (a-1), (a-2), (a-3), and (c-1) to read as  
22 follows:

23 (a) Except as provided by Subsection (a-1), a [A] justice or  
24 judge may require a defendant [who fails to pay a previously  
25 assessed fine or costs, or who is determined by the court to have  
26 insufficient resources or income to pay a fine or costs,] to perform  
27 community service under this article to discharge all or part of the

1 fine or costs assessed in the case [~~by performing community~~  
2 ~~service~~].

3 (a-1) A justice or judge may require a defendant described  
4 by Article 45.0491(c) to perform community service under this  
5 article to discharge all or part of the fine or costs only if the  
6 justice or judge determines that the requirement would not impose  
7 an undue hardship on the defendant.

8 (a-2) At sentencing, a defendant may request to perform  
9 community service under this article to discharge all or part of the  
10 fine or costs assessed in the case. The justice or judge shall  
11 grant the request if:

12 (1) the defendant is described by Article 45.0491(c);  
13 or

14 (2) granting the request is in the interest of  
15 justice.

16 (a-3) A defendant may discharge an obligation to perform  
17 community service under this article by paying at any time the fine  
18 and costs assessed.

19 (b) In the justice's or judge's order requiring or  
20 permitting a defendant to perform [~~participate in~~] community  
21 service [~~work~~] under this article, the justice or judge must  
22 specify the number of hours of community service the defendant is  
23 required to perform [~~work~~].

24 (c) The justice or judge may order the defendant, or the  
25 defendant may request under Subsection (a-2), to perform community  
26 service [~~work~~] under this article [~~only~~] for:

27 (1) a governmental entity;



1           (2) ~~[or]~~ a nonprofit organization or another  
2 organization that provides services to the general public that  
3 enhance social welfare and the general well-being of the community,  
4 as determined by the justice or judge;

5           (3) a religious organization;

6           (4) a neighborhood association or group; or

7           (5) an educational institution.

8           (c-1) An ~~[A governmental]~~ entity ~~[or nonprofit~~  
9 ~~organization]~~ that accepts a defendant under this article to  
10 perform community service must agree to supervise, either on-site  
11 or remotely, the defendant in the performance of the defendant's  
12 community service ~~[work]~~ and report on the defendant's community  
13 service ~~[work]~~ to the justice or judge who ordered the ~~[community]~~  
14 service.

15           (d) A justice or judge may not order a defendant to perform  
16 more than 16 hours per week of community service under this article  
17 unless the justice or judge determines that requiring the defendant  
18 to perform ~~[work]~~ additional hours does not impose an undue ~~[work-a]~~  
19 hardship on the defendant or the defendant's dependents.

20           (e) A defendant is considered to have discharged not less  
21 than \$15 ~~[\$50]~~ of fines or costs for each hour ~~[eight hours]~~ of  
22 community service performed under this article.

23           (g) This subsection applies only to a defendant who is  
24 charged with a traffic offense or an offense under Section 106.05,  
25 Alcoholic Beverage Code, and is a resident of this state. If under  
26 Article 45.051(b)(10), Code of Criminal Procedure, the judge  
27 requires the defendant to perform community service as a condition

1 of the deferral, the defendant is entitled to elect whether to  
2 perform the required [~~governmental entity or nonprofit~~  
3 ~~organization community~~] service in:

4 (1) the county in which the court is located; or

5 (2) the county in which the defendant resides, but  
6 only if the applicable entity [~~or organization~~] agrees to:

7 (A) supervise the defendant in the performance of  
8 the defendant's community service [~~work~~]; and

9 (B) report to the court on the defendant's  
10 community service [~~work~~].

11 SECTION 9. Article 45.0491, Code of Criminal Procedure, is  
12 amended to read as follows:

13 Art. 45.0491. WAIVER OF PAYMENT OF FINES OR [~~AND~~] COSTS FOR  
14 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. (a) A municipal  
15 court, regardless of whether the court is a court of record, or a  
16 justice court may waive payment of all or part of a fine or costs  
17 imposed on a defendant [~~who defaults in payment~~] if the court  
18 determines that:

19 (1) the defendant does not have sufficient resources  
20 or income to pay the fine or costs, as applicable, [~~is indigent~~] or  
21 was, at the time the offense was committed, a child as defined by  
22 Article 45.058(h); and

23 (2) the waiver is in the interest of justice  
24 [~~discharging the fine and costs under Article 45.049 or as~~  
25 ~~otherwise authorized by this chapter would impose an undue hardship~~  
26 ~~on the defendant~~].

27 (b) A municipal court, regardless of whether the court is a

1 court of record, or a justice court shall waive payment of costs and  
2 at least 50 percent of a fine imposed on a defendant described by  
3 Subsection (c) if the court determines that the defendant does not  
4 have sufficient resources or income to pay the fine and costs.

5 (c) For purposes of Subsection (b), a defendant is presumed  
6 not to have sufficient resources or income to pay the fine and costs  
7 if the defendant:

8 (1) is required to attend school full time under  
9 Section 25.085, Education Code;

10 (2) is a member of a household with a total annual  
11 income that is below 125 percent of the applicable income level  
12 established by the federal poverty guidelines; or

13 (3) receives assistance from:

14 (A) the financial assistance program established  
15 under Chapter 31, Human Resources Code;

16 (B) the medical assistance program under Chapter  
17 32, Human Resources Code;

18 (C) the supplemental nutrition assistance  
19 program established under Chapter 33, Human Resources Code;

20 (D) the federal special supplemental nutrition  
21 program for women, infants, and children authorized by 42 U.S.C.  
22 Section 1786; or

23 (E) the child health plan program under Chapter  
24 62, Health and Safety Code.

25 SECTION 10. Article 102.011, Code of Criminal Procedure, is  
26 amended by amending Subsections (a) and (e) and adding Subsection  
27 (f) to read as follows:

1           (a) A defendant convicted of a felony or a misdemeanor shall  
2 pay the following fees for services performed in the case by a peace  
3 officer:

4                 (1) \$5 for issuing a written notice to appear in court  
5 following the defendant's violation of a traffic law, municipal  
6 ordinance, or penal law of this state, or for making an arrest  
7 without a warrant;

8                 (2) \$50 for executing [~~or processing~~] an issued arrest  
9 warrant, capias, or capias pro fine with the fee imposed for the  
10 services of:

11                         (A) the law enforcement agency that executed the  
12 arrest warrant or capias, if the agency requests of the court, not  
13 later than the 15th day after the date of the execution of the  
14 arrest warrant or capias, the imposition of the fee on conviction;  
15 or

16                         (B) the law enforcement agency that processed the  
17 arrest warrant or capias, if [+

18   [~~(i) the arrest warrant or capias was not~~  
19 ~~executed, or~~

20   [~~(ii)~~] the executing law enforcement agency  
21 failed to request the fee within the period required by Paragraph  
22 (A) [~~of this subdivision~~];

23                 (3) \$5 for summoning a witness;

24                 (4) \$35 for serving a writ not otherwise listed in this  
25 article;

26                 (5) \$10 for taking and approving a bond and, if  
27 necessary, returning the bond to the courthouse;

1 (6) \$5 for commitment or release;

2 (7) \$5 for summoning a jury, if a jury is summoned; and

3 (8) \$8 for each day's attendance of a prisoner in a  
4 habeas corpus case if the prisoner has been remanded to custody or  
5 held to bail.

6 (e) Except as provided by Subsection (f), a [A] fee under  
7 Subsection (a)(1) or (a)(2) [of this article] shall be assessed:

8 (1) on conviction, regardless of whether the defendant  
9 was also arrested at the same time for another offense; [r] and

10 (2) [shall be assessed] for each arrest made of a  
11 defendant arising out of the offense for which the defendant has  
12 been convicted.

13 (f) A fee under Subsection (a)(2) may be assessed only once  
14 for an arrest, regardless of whether more than one arrest warrant,  
15 capias, or capias pro fine is executed during the arrest.

16 SECTION 11. Section 102.021, Government Code, is amended to  
17 read as follows:

18 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
19 PROCEDURE. A person convicted of an offense shall pay the following  
20 under the Code of Criminal Procedure, in addition to all other  
21 costs:

22 (1) court cost on conviction of any offense, other  
23 than a conviction of an offense relating to a pedestrian or the  
24 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
25 Procedure) . . . \$4;

26 (2) a fee for services of prosecutor (Art. 102.008,  
27 Code of Criminal Procedure) . . . \$25;

- 1           (3) fees for services of peace officer:
- 2           (A) issuing a written notice to appear in court
- 3 for certain violations (Art. [102.011](#), Code of Criminal Procedure)
- 4 . . . \$5;
- 5           (B) executing [~~or processing~~] an issued arrest
- 6 warrant, *capias*, or *capias pro fine* (Art. [102.011](#), Code of Criminal
- 7 Procedure) . . . \$50;
- 8           (C) summoning a witness (Art. [102.011](#), Code of
- 9 Criminal Procedure) . . . \$5;
- 10           (D) serving a writ not otherwise listed (Art.
- 11 [102.011](#), Code of Criminal Procedure) . . . \$35;
- 12           (E) taking and approving a bond and, if
- 13 necessary, returning the bond to courthouse (Art. [102.011](#), Code of
- 14 Criminal Procedure) . . . \$10;
- 15           (F) commitment or release (Art. [102.011](#), Code of
- 16 Criminal Procedure) . . . \$5;
- 17           (G) summoning a jury (Art. [102.011](#), Code of
- 18 Criminal Procedure) . . . \$5;
- 19           (H) attendance of a prisoner in habeas corpus
- 20 case if prisoner has been remanded to custody or held to bail (Art.
- 21 [102.011](#), Code of Criminal Procedure) . . . \$8 each day;
- 22           (I) mileage for certain services performed (Art.
- 23 [102.011](#), Code of Criminal Procedure) . . . \$0.29 per mile; and
- 24           (J) services of a sheriff or constable who serves
- 25 process and attends examining trial in certain cases (Art. [102.011](#),
- 26 Code of Criminal Procedure) . . . not to exceed \$5;
- 27           (4) services of a peace officer in conveying a witness

1 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
2 \$10 per day or part of a day, plus actual necessary travel expenses;  
3 (5) overtime of peace officer for time spent  
4 testifying in the trial or traveling to or from testifying in the  
5 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;  
6 (6) court costs on an offense relating to rules of the  
7 road, when offense occurs within a school crossing zone (Art.  
8 102.014, Code of Criminal Procedure) . . . \$25;  
9 (7) court costs on an offense of passing a school bus  
10 (Art. 102.014, Code of Criminal Procedure) . . . \$25;  
11 (8) court costs on an offense of parent contributing  
12 to student nonattendance (Art. 102.014, Code of Criminal Procedure)  
13 . . . \$20;  
14 (9) cost for visual recording of intoxication arrest  
15 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
16 \$15;  
17 (10) cost of certain evaluations (Art. 102.018, Code  
18 of Criminal Procedure) . . . actual cost;  
19 (11) additional costs attendant to certain  
20 intoxication convictions under Chapter 49, Penal Code, for  
21 emergency medical services, trauma facilities, and trauma care  
22 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;  
23 (12) additional costs attendant to certain child  
24 sexual assault and related convictions, for child abuse prevention  
25 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;  
26 (13) court cost for DNA testing for certain felonies  
27 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

1           (14) court cost for DNA testing for certain  
2 misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal  
3 Procedure) . . . \$50;

4           (15) court cost for DNA testing for certain felonies  
5 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

6           (16) if required by the court, a restitution fee for  
7 costs incurred in collecting restitution installments and for the  
8 compensation to victims of crime fund (Art. 42.037, Code of  
9 Criminal Procedure) . . . \$12;

10           (17) if directed by the justice of the peace or  
11 municipal court judge hearing the case, court costs on conviction  
12 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
13 . . . part or all of the costs as directed by the judge; and

14           (18) costs attendant to convictions under Chapter 49,  
15 Penal Code, and under Chapter 481, Health and Safety Code, to help  
16 fund drug court programs established under Chapter 122, 123, 124,  
17 or 125, Government Code, or former law (Art. 102.0178, Code of  
18 Criminal Procedure) . . . \$60.

19           SECTION 12. Section 102.0212, Government Code, is amended  
20 to read as follows:

21           Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT  
22 CODE. A person convicted of an offense shall pay the following  
23 under the Local Government Code, in addition to all other costs:

24           (1) court costs on conviction of a felony (Sec.  
25 133.102, Local Government Code) . . . \$133;

26           (2) court costs on conviction of a Class A or Class B  
27 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;



1           (3) court costs on conviction of a nonjailable  
2 misdemeanor offense, including a criminal violation of a municipal  
3 ordinance, other than a conviction of an offense relating to a  
4 pedestrian or the parking of a motor vehicle (Sec. [133.102](#), Local  
5 Government Code) . . . \$40;

6           (4) [~~a time payment fee if convicted of a felony or~~  
7 ~~misdemeanor for paying any part of a fine, court costs, or~~  
8 ~~restitution on or after the 31st day after the date on which a~~  
9 ~~judgment is entered assessing the fine, court costs, or restitution~~  
10 ~~(Sec. [133.103](#), Local Government Code) . . . \$25,~~

11           [~~(5)~~] a cost on conviction of any offense, other than  
12 an offense relating to a pedestrian or the parking of a motor  
13 vehicle (Sec. [133.105](#), Local Government Code) . . . \$6; and

14           (5) [~~(6)~~] a cost on conviction of any offense, other  
15 than an offense relating to a pedestrian or the parking of a motor  
16 vehicle (Sec. [133.107](#), Local Government Code) . . . \$2.

17           SECTION 13. Section [103.0213](#), Government Code, is amended  
18 to read as follows:

19           Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
20 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a  
21 party to a civil suit, as applicable, shall pay the following fees  
22 and costs under the Transportation Code if ordered by the court or  
23 otherwise required:

24           (1) administrative fee on dismissal of charge of  
25 driving with an expired motor vehicle registration (Sec. [502.407](#),  
26 Transportation Code) . . . not to exceed \$20;

27           (2) administrative fee on dismissal of charge of

1 driving with an expired driver's license (Sec. 521.026,  
2 Transportation Code) . . . not to exceed \$20;

3 (2-a) administrative fee on remediation of charge of  
4 operation of a vehicle without a registration insignia (Sec.  
5 502.473, Transportation Code) . . . not to exceed \$10;

6 (3) administrative fee on remediation of charge of  
7 operating a vehicle without complying with inspection requirements  
8 as certified (Sec. 548.605, Transportation Code) . . . not to  
9 exceed \$20;

10 (4) administrative fee for failure to appear for a  
11 complaint or citation on certain offenses (Sec. 706.006,  
12 Transportation Code) . . . \$30 [~~for each violation~~]; and

13 (5) administrative fee for failure to pay or satisfy  
14 certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

15 SECTION 14. Section 133.003, Local Government Code, is  
16 amended to read as follows:

17 Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
18 following criminal fees:

19 (1) the consolidated fee imposed under Section  
20 133.102;

21 (2) [~~the time payment fee imposed under Section~~  
22 ~~133.103,~~

23 [~~(3)~~] fees for services of peace officers employed by  
24 the state imposed under Article 102.011, Code of Criminal  
25 Procedure, and forwarded to the comptroller as provided by Section  
26 133.104;

27 (3) [~~(4)~~] costs on conviction imposed in certain

1 statutory county courts under Section 51.702, Government Code, and  
2 deposited in the judicial fund;

3           (4) [~~(5)~~] costs on conviction imposed in certain  
4 county courts under Section 51.703, Government Code, and deposited  
5 in the judicial fund;

6           (5) [~~(6)~~] the administrative fee for failure to appear  
7 or failure to pay or satisfy a judgment imposed under Section  
8 706.006, Transportation Code;

9           (6) [~~(7)~~] fines on conviction imposed under Section  
10 621.506(g), Transportation Code;

11           (7) [~~(8)~~] the fee imposed under Article 102.0045, Code  
12 of Criminal Procedure;

13           (8) [~~(9)~~] the cost on conviction imposed under Section  
14 133.105 and deposited in the judicial fund; and

15           (9) [~~(10)~~] the cost on conviction imposed under  
16 Section 133.107.

17           SECTION 15. Section 502.010, Transportation Code, is  
18 amended by amending Subsection (a) and adding Subsections (f-2),  
19 (i), and (j) to read as follows:

20           (a) Except as otherwise provided by this section, a [A]  
21 county assessor-collector or the department may refuse to register  
22 a motor vehicle if the assessor-collector or the department  
23 receives information that the owner of the vehicle:

24           (1) owes the county money for a fine, fee, or tax that  
25 is past due; or

26           (2) failed to appear in connection with a complaint,  
27 citation, information, or indictment in a court in the county in

1 which a criminal proceeding is pending against the owner.

2 (f-2) On payment or other means of discharge of a past due  
3 fine or fee that was imposed for a criminal offense, payment of the  
4 additional fee under Subsection (f)(1) may be waived by the county  
5 in which the fine or fee was owed or the court having jurisdiction  
6 over the offense.

7 (i) If the court having jurisdiction over an offense for  
8 which a fine or fee was imposed makes a finding that the defendant  
9 is indigent, has insufficient resources or income to pay the fine or  
10 fee, or is otherwise unable to pay the fine or fee:

11 (1) the court shall notify the county  
12 assessor-collector of the county in which the defendant intends to  
13 register the motor vehicle and the department of the finding;

14 (2) a county assessor-collector or the department may  
15 not refuse to register the defendant's motor vehicle under this  
16 section; and

17 (3) a county may not impose an additional fee on the  
18 defendant under Subsection (f).

19 (j) For purposes of Subsection (i), a court:

20 (1) shall presume that a defendant is indigent, has  
21 insufficient resources or income to pay the fine or fee, or is  
22 otherwise unable to pay a fine or fee if the defendant is:

23 (A) paying an existing fine or fee in specified  
24 portions at designated intervals; or

25 (B) performing community service in lieu of  
26 payment; and

27 (2) may find a defendant to be indigent, to have

1 insufficient resources or income to pay a fine or fee, or to  
2 otherwise be unable to pay a fine or fee after considering any  
3 information that the court considers appropriate.

4 SECTION 16. Section 502.010(f), Transportation Code, as  
5 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of  
6 the 82nd Legislature, Regular Session, 2011, is reenacted and  
7 amended to read as follows:

8 (f) Except as otherwise provided by this section, a [A]  
9 county that has a contract under Subsection (b) may impose an  
10 additional fee of \$20 to:

11 (1) a person who fails to pay a fine, fee, or tax to the  
12 county by the date on which the fine, fee, or tax is due; or

13 (2) a person who fails to appear in connection with a  
14 complaint, citation, information, or indictment in a court in which  
15 a criminal proceeding is pending against the owner. [~~The~~  
16 ~~additional fee may be used only to reimburse the department or the~~  
17 ~~county for its expenses for providing services under the contract.~~]

18 SECTION 17. Section 521.242(a), Transportation Code, is  
19 amended to read as follows:

20 (a) A person whose license has been suspended for a cause  
21 other than a physical or mental disability or impairment or a  
22 conviction of an offense under Sections 49.04-49.08, Penal Code,  
23 may apply for an occupational license by filing a verified petition  
24 with the clerk of a municipal, justice, county, or district court  
25 with jurisdiction that includes the precinct or county in which:

26 (1) the person resides; or

27 (2) the offense occurred for which the license was

1 suspended.

2 SECTION 18. Chapter 706, Transportation Code, is amended by  
3 adding Section 706.0011 to read as follows:

4 Sec. 706.0011. FINDING BY COURT OF INABILITY TO PAY. (a)  
5 If the court having jurisdiction over an offense for which a fine  
6 and cost were imposed makes a finding that the defendant is  
7 indigent, has insufficient resources or income to pay the fine and  
8 cost, or is otherwise unable to pay the fine and cost:

9 (1) the court shall notify the political subdivision  
10 in which the court is located and the department of the finding;

11 (2) the department may not deny renewal of the  
12 defendant's license under this chapter; and

13 (3) an administrative fee may not be imposed on the  
14 defendant under Section 706.006.

15 (b) For purposes of Subsection (a), a court:

16 (1) shall presume that a defendant is indigent, has  
17 insufficient resources or income to pay a fine and cost, or is  
18 otherwise unable to pay a fine and cost if the defendant is:

19 (A) paying an existing fine or cost in specified  
20 portions at designated intervals; or

21 (B) performing community service in lieu of  
22 payment; and

23 (2) may find a defendant to be indigent, to have  
24 insufficient resources or income to pay a fine and cost, or to be  
25 otherwise unable to pay a fine and cost after considering any  
26 information that the court considers appropriate.

27 SECTION 19. Section 706.005, Transportation Code, is

1 amended to read as follows:

2           Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A  
3 political subdivision shall immediately notify the department that  
4 there is no cause to continue to deny renewal of a person's driver's  
5 license based on the person's previous failure to appear or failure  
6 to pay or satisfy a judgment ordering the payment of a fine and cost  
7 in the manner ordered by the court in a matter involving an offense  
8 described by Section 706.002(a), on payment of a fee as provided by  
9 Section 706.006 and:

10           (1) the perfection of an appeal of the case for which  
11 the warrant of arrest was issued or judgment arose;

12           (2) ~~[the dismissal of the charge for which the warrant~~  
13 ~~of arrest was issued or judgment arose];~~

14           ~~[(3)]~~ the posting of bond or the giving of other  
15 security to reinstate the charge for which the warrant was issued;

16           (3) ~~[(4)]~~ the payment or discharge of the fine and  
17 cost owed on an outstanding judgment of the court; or

18           (4) ~~[(5)]~~ other suitable arrangement to pay the fine  
19 and cost within the court's discretion.

20           (b) The department may not continue to deny the renewal of  
21 the person's driver's license under this chapter after the  
22 department receives notice:

23           (1) under Subsection (a);

24           (2) that the person was acquitted of the charge on  
25 which the person failed to appear;

26           (3) that the charge on which the person failed to  
27 appear was dismissed; or

1           (4) [~~(3)~~] from the political subdivision that the  
2 failure to appear report or court order to pay a fine or cost  
3 relating to the person:

4                   (A) was sent to the department in error; or

5                   (B) has been destroyed in accordance with the  
6 political subdivision's records retention policy.

7           SECTION 20. Section 706.006, Transportation Code, is  
8 amended by amending Subsections (a) and (b) and adding Subsection  
9 (d) to read as follows:

10           (a) Except as provided by Subsection (d), a [A] person who  
11 fails to appear for a complaint or citation for an offense described  
12 by Section 706.002(a) shall be required to pay an administrative  
13 fee of \$30 for all complaints or citations that are issued for  
14 offenses arising from the same criminal episode and are [each  
15 ~~complaint or citation]~~ reported to the department under this  
16 chapter, unless the person is acquitted of the charges for which the  
17 person failed to appear or those charges are dismissed. The person  
18 shall pay the fee when:

19                   (1) the court enters judgment on the underlying  
20 offense reported to the department; or

21                   (2) [~~the underlying offense is dismissed, or~~

22                   ~~(3)~~] bond or other security is posted to reinstate  
23 the charge for which the warrant was issued.

24           (b) Except as provided by Subsection (d), a [A] person who  
25 fails to pay or satisfy a judgment ordering the payment of a fine  
26 and cost in the manner the court orders shall be required to pay an  
27 administrative fee of \$30.



1        (d) A municipal court judge or justice of the peace who has  
2 jurisdiction over the underlying offense may waive an  
3 administrative fee required by this section.

4        SECTION 21. Section 708.158, Transportation Code, is  
5 amended by adding Subsection (c) to read as follows:

6        (c) Not later than the fifth day after the date the court  
7 receives information described by Subsection (b) establishing that  
8 a person is indigent, the court shall notify the department that the  
9 person is indigent for the purposes of this chapter.

10       SECTION 22. Section 133.103, Local Government Code, is  
11 repealed.

12       SECTION 23. The changes in law made by this Act to Article  
13 14.06, Code of Criminal Procedure, and Section 502.010 and Chapter  
14 706, Transportation Code, apply only to an offense committed on or  
15 after the effective date of this Act. An offense committed before  
16 the effective date of this Act is governed by the law in effect on  
17 the date the offense was committed, and the former law is continued  
18 in effect for that purpose. For purposes of this section, an  
19 offense was committed before the effective date of this Act if any  
20 element of the offense occurred before that date.

21       SECTION 24. The changes in law made by this Act to Articles  
22 45.014, 45.023, 45.041, 45.046, 45.049, and 45.0491, Code of  
23 Criminal Procedure, apply to a sentencing proceeding that commences  
24 before, on, or after the effective date of this Act.

25       SECTION 25. The change in law made by this Act to Article  
26 45.045, Code of Criminal Procedure, applies only to a capias pro  
27 fine issued on or after the effective date of this Act. A capias pro

1 fine issued before the effective date of this Act is governed by the  
2 law in effect on the date the capias pro fine was issued, and the  
3 former law is continued in effect for that purpose.

4 SECTION 26. The change in law made by this Act to Article  
5 45.048, Code of Criminal Procedure, applies to a defendant who is  
6 placed in jail on or after the effective date of this Act for  
7 failure to pay the fine and costs imposed on conviction of an  
8 offense, regardless of whether the offense of which the defendant  
9 was convicted was committed before, on, or after the effective date  
10 of this Act.

11 SECTION 27. The changes in law made by this Act to Article  
12 102.011, Code of Criminal Procedure, and Section 102.021,  
13 Government Code, apply only to a fee imposed for an arrest warrant,  
14 capias, or capias pro fine issued on or after the effective date of  
15 this Act. A fee imposed for an arrest warrant, capias, or capias  
16 pro fine issued before the effective date of this Act is governed by  
17 the law in effect on the date the arrest warrant, capias, or capias  
18 pro fine was issued, and the former law is continued in effect for  
19 that purpose.

20 SECTION 28. The repeal by this Act of Section 133.103, Local  
21 Government Code, does not apply to an offense committed before the  
22 effective date of this Act. An offense committed before the  
23 effective date of this Act is governed by the law as it existed on  
24 the date the offense was committed, and the former law is continued  
25 in effect for that purpose. For purposes of this section, an  
26 offense was committed before the effective date of this Act if any  
27 element of the offense occurred before that date.

1 SECTION 29. This Act takes effect September 1, 2017.