

By: Zaffirini

S. B. No. 1913

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:

13                           (1) written notice of the time and place the person  
14 must appear before a magistrate;

15 (2) [T] the name and address of the person charged;

23           "If you are convicted of a misdemeanor offense involving  
24           violence where you are or were a spouse, intimate partner, parent,

1 or guardian of the victim or are or were involved in another,  
2 similar relationship with the victim, it may be unlawful for you to  
3 possess or purchase a firearm, including a handgun or long gun, or  
4 ammunition, pursuant to federal law under 18 U.S.C. Section  
5 922(g)(9) or Section [46.04](#)(b), Texas Penal Code. If you have any  
6 questions whether these laws make it illegal for you to possess or  
7 purchase a firearm, you should consult an attorney."

8 SECTION 2. Section 4(a), Article [17.42](#), Code of Criminal  
9 Procedure, is amended to read as follows:

10 (a) Except as otherwise provided by this subsection, if [If]  
11 a court releases an accused on personal bond on the recommendation  
12 of a personal bond office, the court shall assess a personal bond  
13 fee of \$20 or three percent of the amount of the bail fixed for the  
14 accused, whichever is greater. The court may waive the fee or  
15 assess a lesser fee if good cause is shown. A court that requires a  
16 defendant to give a personal bond under Article [45.016](#) may not  
17 assess a personal bond fee under this subsection.

18 SECTION 3. Article [27.14](#)(b), Code of Criminal Procedure, is  
19 amended to read as follows:

20 (b) A defendant charged with a misdemeanor for which the  
21 maximum possible punishment is by fine only may, in lieu of the  
22 method provided in Subsection (a) of this article, mail or deliver  
23 in person to the court a plea of "guilty" or a plea of "nolo  
24 contendere" and a waiver of jury trial. The defendant may also  
25 request in writing that the court notify the defendant, at the  
26 address stated in the request, of the amount of an appeal bond that  
27 the court will approve. If the court receives a plea and waiver

1 before the time the defendant is scheduled to appear in court, the  
2 court shall dispose of the case without requiring a court  
3 appearance by the defendant. If the court receives a plea and  
4 waiver after the time the defendant is scheduled to appear in court  
5 but at least five business days before a scheduled trial date, the  
6 court shall dispose of the case without requiring a court  
7 appearance by the defendant. The court shall notify the defendant  
8 either in person or by certified mail, return receipt requested, of  
9 the amount of any fine or costs assessed in the case, information  
10 regarding the alternatives to the full payment of any fine or costs  
11 assessed against the defendant, if the defendant is unable to pay  
12 that amount, and, if requested by the defendant, the amount of an  
13 appeal bond that the court will approve. Except as otherwise  
14 provided by this code, the [The] defendant shall pay any fine or  
15 costs assessed or give an appeal bond in the amount stated in the  
16 notice before the 31st day after receiving the notice.

17 SECTION 4. Article 42.15, Code of Criminal Procedure, is  
18 amended by adding Subsection (a-1) and amending Subsection (b) to  
19 read as follows:

20 (a-1) Notwithstanding any other provision of this article,  
21 a court may impose a fine and costs only if the court makes a written  
22 determination that the defendant has sufficient resources or income  
23 to pay all or part of the fine and costs. In making that  
24 determination, the court shall consider the defendant's financial  
25 history and any other information relevant to the defendant's  
26 ability to pay, including whether the defendant:

27 (1) is a full-time student;

1                   (2) is a member of a household with a total annual  
2 income that is:

3                   (A) at or below the applicable income level  
4 established by the federal poverty guidelines; or

5                   (B) below the state or local median household  
6 income; or

7                   (3) receives financial assistance from any federal,  
8 state, or local assistance program.

9                   (b) Subject to Subsections (c) and (d) and Article 43.091,  
10 when imposing a fine and costs, a court may direct a defendant:

11                  (1) to pay the entire fine and costs when sentence is  
12 pronounced;

13                  (2) to pay the entire fine and costs at some later  
14 date; or

15                  (3) to pay a specified portion of the fine and costs at  
16 designated intervals.

17                  SECTION 5. Article 43.05, Code of Criminal Procedure, is  
18 amended by adding Subsections (a-1) and (a-2) to read as follows:

19                  (a-1) A court may not issue a writ of habeas corpus for the  
20 defendant's failure to satisfy the judgment according to its terms  
21 unless the court holds a hearing on the defendant's ability to  
22 satisfy the judgment and:

23                  (1) the defendant fails to appear at the hearing; or

24                  (2) based on evidence presented at the hearing, the  
25 court makes a written determination that:

26                  (A) the defendant is not indigent and has failed  
27 to make a good faith effort to discharge the fine or costs; or

7           (a-2) The court shall recall a writ of capias pro fine if, before  
8 the writ of capias pro fine is executed, the defendant voluntarily appears  
9 to resolve the amount owed.

10 SECTION 6. Article 43.09, Code of Criminal Procedure, is  
11 amended by amending Subsections (a), (g), (h), (j), and (l) and  
12 adding Subsection (h-1) to read as follows:

(a) When a defendant is convicted of a misdemeanor and the defendant's [his] punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if the defendant [he] is unable to pay the fine and costs adjudged against the defendant [him], the defendant [he] may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in Article 43.10 [~~the succeeding article~~]; or if there is [he] no such county jail industries program, workhouse, farm, or improvements and maintenance projects, the defendant [he] shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against the defendant [him]; rating such confinement at \$100 [\$50] for each day and rating such

1 labor at \$100 [~~\$50~~] for each day; provided, however, that the  
2 defendant may pay the pecuniary fine assessed against the defendant  
3 [~~him~~] at any time while the defendant [~~he~~] is serving at work in the  
4 county jail industries program, in the workhouse, or on the county  
5 farm, or on the public improvements and maintenance projects of the  
6 county or a political subdivision located in whole or in part in the  
7 county, or while the defendant [~~he~~] is serving the defendant's  
8 [~~his~~] jail sentence, and in such instances the defendant is [~~he~~  
9 ~~shall be~~] entitled to the credit [~~he has~~] earned under this  
10 subsection during the time that the defendant [~~he~~] has served and  
11 the defendant [~~he~~] shall only be required to pay the [~~his~~] balance  
12 of the pecuniary fine assessed against the defendant [~~him~~]. A  
13 defendant who performs labor under this article during a day in  
14 which the defendant [~~he~~] is confined is entitled to both the credit  
15 for confinement and the credit for labor provided by this article.

16 (g) In the court's [~~its~~] order requiring a defendant to  
17 perform [~~participate in~~] community service [~~work~~] under Subsection  
18 (f) [~~of this article~~], the court must specify:

19 (1) the number of hours of community service the  
20 defendant is required to perform [~~work~~]; and  
21 (2) whether the community supervision and corrections  
22 department or a court-related services office will perform the  
23 administrative duties required by the placement of the defendant in  
24 the community service program.

25 (h) The court may order the defendant to perform community  
26 service [~~work~~] under Subsection (f):

27 (1) by attending a work and job skills training

1 program, preparatory class for the high school equivalency  
2 examination administered under Section 7.111, Education Code, or  
3 similar activity; or

4           (2) [of this article only] for:

5           (A) a governmental entity;

6           (B) [or] a nonprofit organization or another  
7 organization that provides services to the general public that  
8 enhance social welfare and the general well-being of the community,  
9 as determined by the court;

10           (C) a religious organization;

11           (D) a neighborhood association or group; or

12           (E) an educational institution.

13           (h-1) An [A governmental] entity [or nonprofit  
14 organization] that accepts a defendant under Subsection (f) [of this  
15 this article] to perform community service must agree to supervise,  
16 either on-site or remotely, the defendant in the performance of the  
17 defendant's community service [work] and report on the defendant's  
18 community service [work] to the district probation department or  
19 court-related services office.

20           (j) A court may not order a defendant to perform more than 16  
21 hours per week of community service under Subsection (f) [of this  
22 article] unless the court determines that requiring the defendant  
23 to perform [work] additional hours does not impose an undue [work a]  
24 hardship on the defendant or the defendant's dependents.

25           (l) A sheriff, employee of a sheriff's department, county  
26 commissioner, county employee, county judge, an employee of a  
27 community corrections and supervision department, restitution

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1 center, or officer or employee of a political subdivision other  
2 than a county or an entity that accepts a defendant under this  
3 article to perform community service is not liable for damages  
4 arising from an act or failure to act in connection with manual  
5 labor performed by an inmate or community service performed by a  
6 defendant under [pursuant to] this article if the act or failure to  
7 act:

8 (1) was performed pursuant to confinement or other  
9 court order; and

10 (2) was not intentional, wilfully or wantonly  
11 negligent, or performed with conscious indifference or reckless  
12 disregard for the safety of others.

13 SECTION 7. Article [43.091](#), Code of Criminal Procedure, is  
14 amended to read as follows:

15 Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR  
16 INDIGENT DEFENDANTS AND CHILDREN. A court may waive payment of a  
17 fine or cost imposed on a defendant [who defaults in payment] if the  
18 court determines that:

19 (1) the defendant is indigent or was, at the time the  
20 offense was committed, a child as defined by Article [45.058\(h\)](#); and

21 (2) each alternative method of discharging the fine or  
22 cost under Article [43.09](#) or [42.15](#) would impose an undue hardship on  
23 the defendant.

24 SECTION 8. Article [45.014](#), Code of Criminal Procedure, is  
25 amended by adding Subsections (e), (f), and (g) to read as follows:

26 (e) A justice or judge may not issue an arrest warrant for  
27 the defendant's failure to appear, including failure to appear as

1    required by a citation issued under Article 14.06(b), unless:

2                (1) the justice or judge provides by telephone or  
3    certified mail to the defendant notice that includes:  
4                (A) at least two dates and times, occurring  
5    within the 30-day period following the date that notice is  
6    provided, when the defendant may appear before the justice or  
7    judge;

8                (B) the name and address of the court with  
9    jurisdiction in the case;

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

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

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

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

23               (g) A justice or judge shall recall an arrest warrant for  
24    the defendant's failure to appear if the defendant voluntarily  
25    appears to resolve the arrest warrant before the warrant is  
26    executed.

27               SECTION 9. Article 45.016, Code of Criminal Procedure, is

1 amended to read as follows:

2           Art. 45.016. PERSONAL BOND; BAIL BOND PROHIBITED. (a) The  
3 justice or judge may require the defendant to give a personal bond  
4 [bail] to secure the defendant's appearance in accordance with this  
5 code.

6           (b) The justice or judge may not, either instead of or in  
7 addition to the personal bond, require a defendant to give a bail  
8 bond, as defined by Article 17.02, or require a surety or other  
9 security.

10           (c) If the defendant refuses [fails] to give a personal bond  
11 [bail], the defendant may be held in custody.

12           SECTION 10. Article 45.019(a), Code of Criminal Procedure,  
13 is amended to read as follows:

14           (a) A complaint is sufficient, without regard to its form,  
15 if it substantially satisfies the following requisites:

16           (1) it must be in writing;

17           (2) it must commence "In the name and by the authority  
18 of the State of Texas";

19           (3) it must state the name of the accused, if known, or  
20 if unknown, must include a reasonably definite description of the  
21 accused;

22           (4) it must show that the accused has committed an  
23 offense against the law of this state, or state that the affiant has  
24 good reason to believe and does believe that the accused has  
25 committed an offense against the law of this state;

26           (5) it must state the date the offense was committed as  
27 definitely as the affiant is able to provide;

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1 (6) it must contain information regarding the  
2 alternatives to the full payment of any fine or costs assessed  
3 against the accused, if the accused is convicted of the offense and  
4 is unable to pay that amount;

11 SECTION 11. Article [45.041](#), Code of Criminal Procedure, is  
12 amended by adding Subsection (a-1) and amending Subsection (b) to  
13 read as follows:

22 (1) is a full-time student;

27 (B) below the state or local median household

1    income; or

2                    (3)    receives financial assistance from any federal,  
3    state, or local assistance program.

4                    (b)    Subject to Subsections (b-2) and (b-3) and Article  
5    45.0491, the justice or judge may direct the defendant:

6                    (1)    to pay:

7                    (A)    the entire fine and costs when sentence is  
8    pronounced;

9                    (B)    the entire fine and costs at some later date;  
10   or

11                   (C)    a specified portion of the fine and costs at  
12   designated intervals;

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

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

16                   SECTION 12. Article 45.0425(a), Code of Criminal Procedure,  
17   is amended to read as follows:

18                   (a)    If the court from whose judgment and sentence the appeal  
19   is taken is in session, the court must approve the bail. The amount  
20   of an appeal [a bail] bond may not be less than two times the amount  
21   of the fine and costs adjudged against the defendant, payable to the  
22   State of Texas. The appeal bond [bail] may not in any case be for an  
23   amount [a sum] less than \$50. If the appeal bond otherwise meets  
24   the requirements of this code, the court without requiring a court  
25   appearance by the defendant shall approve the appeal bond in the  
26   amount the court under Article 27.14(b) notified the defendant  
27   would be approved.

1 SECTION 13. Article 45.045, Code of Criminal Procedure, is  
2 amended by adding Subsections (a-2) and (a-3) to read as follows:

3 (a-2) The court may not issue a writ of habeas corpus for the  
4 defendant's failure to satisfy the judgment according to its terms  
5 unless the court holds a hearing on the defendant's ability to  
6 satisfy the judgment and:

7 (1) the defendant fails to appear at the hearing; or  
8 (2) based on evidence presented at the hearing, the  
9 court makes a written determination that:

10 (A) the defendant is not indigent and has failed  
11 to make a good faith effort to discharge the fine or costs; or  
12 (B) the defendant is indigent and:

13 (i) has failed to make a good faith effort  
14 to discharge the fine or costs under Article 45.049; and  
15 (ii) could have discharged the fine or  
16 costs under Article 45.049 without experiencing any undue hardship.

17 (a-3) The court shall recall a writ of habeas corpus if, before  
18 the writ is executed, the defendant voluntarily appears  
19 to resolve the amount owed.

20 SECTION 14. Article 45.046(a), Code of Criminal Procedure,  
21 is amended to read as follows:

22 (a) When a judgment and sentence have been entered against a  
23 defendant and the defendant defaults in the discharge of the  
24 judgment, the judge may order the defendant confined in jail until  
25 discharged by law if the judge at a hearing makes a written  
26 determination that:

27 (1) the defendant is not indigent and has failed to

1 make a good faith effort to discharge the fine or [and] costs; or  
2 (2) the defendant is indigent and:  
3 (A) has failed to make a good faith effort to  
4 discharge the fine or [fines and] costs under Article 45.049; and  
5 (B) could have discharged the fine or [fines and]  
6 costs under Article 45.049 without experiencing any undue hardship.

7 SECTION 15. Article 45.048, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed  
10 in jail on account of failure to pay the fine and costs shall be  
11 discharged on habeas corpus by showing that the defendant:  
12 (1) is too poor to pay the fine and costs; or  
13 (2) has remained in jail a sufficient length of time to  
14 satisfy the fine and costs, at the rate of not less than \$100 [\$50]  
15 for each period [of time] served, as specified by the convicting  
16 court in the judgment in the case.

17 (b) A convicting court may specify a period [of time] that  
18 is not less than eight hours or more than 24 hours as the period for  
19 which a defendant who fails to pay the fine [fines] and costs in the  
20 case must remain in jail to satisfy \$100 [\$50] of the fine and  
21 costs.

22 SECTION 16. Article 45.049, Code of Criminal Procedure, is  
23 amended by amending Subsections (b), (c), (d), (e), (f), and (g) and  
24 adding Subsection (c-1) to read as follows:

25 (b) In the justice's or judge's order requiring a defendant  
26 to perform [participate in] community service [work] under this  
27 article, the justice or judge must specify the number of hours of

1 community service the defendant is required to perform [work] .

2 (c) The justice or judge may order the defendant to perform  
3 community service [work] under this article:

4 (1) by attending a work and job skills training  
5 program, a preparatory class for the high school equivalency  
6 examination administered under Section 7.111, Education Code, or  
7 similar activity; or

8 (2) [only] for:

9 (A) a governmental entity;

10 (B) [or] a nonprofit organization or another  
11 organization that provides services to the general public that  
12 enhance social welfare and the general well-being of the community,  
13 as determined by the justice or judge;

14 (C) a religious organization;

15 (D) a neighborhood association or group; or

16 (E) an educational institution.

17 (c-1) An [A governmental] entity [or nonprofit  
18 organization] that accepts a defendant under this article to  
19 perform community service must agree to supervise, either on-site  
20 or remotely, the defendant in the performance of the defendant's  
21 community service [work] and report on the defendant's community  
22 service [work] to the justice or judge who ordered the [community]  
23 service.

24 (d) A justice or judge may not order a defendant to perform  
25 more than 16 hours per week of community service under this article  
26 unless the justice or judge determines that requiring the defendant  
27 to perform [work] additional hours does not impose an undue [work a]

1 hardship on the defendant or the defendant's dependents.

2 (e) A defendant is considered to have discharged not less  
3 than \$100 ~~[\$50]~~ of fines or costs for each eight hours of community  
4 service performed under this article.

5 (f) A sheriff, employee of a sheriff's department, county  
6 commissioner, county employee, county judge, justice of the peace,  
7 municipal court judge, or officer or employee of a political  
8 subdivision other than a county or an entity that accepts a  
defendant under this article to perform community service is not  
9 liable for damages arising from an act or failure to act in  
10 connection with community service ~~[manual labor]~~ performed by a  
11 defendant under this article if the act or failure to act:  
12

13 (1) was performed pursuant to court order; and

14 (2) was not intentional, wilfully or wantonly  
15 negligent, or performed with conscious indifference or reckless  
16 disregard for the safety of others.

17 (g) This subsection applies only to a defendant who is  
18 charged with a traffic offense or an offense under Section 106.05,  
19 Alcoholic Beverage Code, and is a resident of this state. If under  
20 Article 45.051(b)(10), Code of Criminal Procedure, the judge  
21 requires the defendant to perform community service as a condition  
22 of the deferral, the defendant is entitled to elect whether to  
23 perform the required ~~[governmental entity or nonprofit~~  
24 ~~organization community~~] service in:

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

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

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1 (A) supervise, either on-site or remotely, the  
2 defendant in the performance of the defendant's community service  
3 [work]; and

4 (B) report to the court on the defendant's  
5 community service [work].

6 SECTION 17. Article 45.0491, Code of Criminal Procedure, is  
7 amended to read as follows:

8                   Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR  
9 INDIGENT DEFENDANTS AND FOR CHILDREN. A municipal court,  
10 regardless of whether the court is a court of record, or a justice  
11 court may waive payment of a fine or costs imposed on a defendant  
12 [who defaults in payment] if the court determines that:

18 SECTION 18. The heading to Article 45.0492, Code of  
19 Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the  
20 82nd Legislature, Regular Session, 2011, is amended to read as  
21 follows:

22 Art. 45.0492. COMMUNITY SERVICE [OR ~~TUTORING~~] IN  
23 SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

24 SECTION 19. Article 45.0492, Code of Criminal Procedure, as  
25 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
26 Regular Session, 2011, is amended by amending Subsections (b), (c),  
27 (d), (f), (g), and (h) and adding Subsection (d-1) to read as

1 follows:

2                   (b) A justice or judge may require a defendant described by  
3 Subsection (a) to discharge all or part of the fine or costs by  
4 performing community service [~~or attending a tutoring program that~~  
5 ~~is satisfactory to the court~~]. A defendant may discharge an  
6 obligation to perform community service [~~or attend a tutoring~~  
7 ~~program~~] under this article by paying at any time the fine and costs  
8 assessed.

9                   (c) In the justice's or judge's order requiring a defendant  
10 to perform [~~participate in~~] community service [~~work or a tutoring~~  
11 ~~program~~] under this article, the justice or judge must specify the  
12 number of hours of community service the defendant is required to  
13 perform [~~work or attend tutoring~~].

14                   (d) The justice or judge may order the defendant to perform  
15 community service [work] under this article:

16                   (1) by attending a tutoring program, work and job  
17 skills training program, preparatory class for the high school  
18 equivalency examination administered under Section 7.111,  
19 Education Code, or similar activity; or

20                   (2) [only] for:

21                   (A) a governmental entity;

22                   (B) [~~or~~] a nonprofit organization or another  
23 organization that provides services to the general public that  
24 enhance social welfare and the general well-being of the community,  
25 as determined by the justice or judge;

26                   (C) a religious organization;

27                   (D) a neighborhood association or group; or

(E) an educational institution.

2 (d-1) An [A ~~governmental~~] entity [~~or~~ nonprofit  
3 ~~organization~~] that accepts a defendant under this article to  
4 perform community service must agree to supervise, either on-site  
5 or remotely, the defendant in the performance of the defendant's  
6 community service [~~work~~] and report on the defendant's community  
7 service [~~work~~] to the justice or judge who ordered the [~~community~~]  
8 service.

9 (f) A justice or judge may not order a defendant to perform  
10 more than 16 hours of community service per week [~~or attend more~~  
11 ~~than 16 hours of tutoring per week~~] under this article unless the  
12 justice or judge determines that requiring the defendant to perform  
13 additional hours [~~of work or tutoring~~] does not impose an undue  
14 [~~cause a~~] hardship on the defendant or the defendant's family. For  
15 purposes of this subsection, "family" has the meaning assigned by  
16 Section 71.003, Family Code.

17 (g) A defendant is considered to have discharged not less  
18 than \$100 [~~\$50~~] of fines or costs for each eight hours of community  
19 service performed [~~or tutoring program attended~~] under this  
20 article.

21 (h) A sheriff, employee of a sheriff's department, county  
22 commissioner, county employee, county judge, justice of the peace,  
23 municipal court judge, or officer or employee of a political  
24 subdivision other than a county or an entity that accepts a  
25 defendant under this article to perform community service [~~or~~  
26 ~~nonprofit organization, or tutoring program~~] is not liable for  
27 damages arising from an act or failure to act in connection with

1 community service [~~an activity~~] performed by a defendant under this  
2 article if the act or failure to act:

3 (1) was performed pursuant to court order; and  
4 (2) was not intentional, grossly negligent, or  
5 performed with conscious indifference or reckless disregard for the  
6 safety of others.

7 SECTION 20. Article [45.0492](#), Code of Criminal Procedure, as  
8 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,  
9 Regular Session, 2011, is amended by amending Subsections (d), (e),  
10 and (f) and adding Subsections (d-1) and (h) to read as follows:

11 (d) The justice or judge may order the defendant to perform  
12 community service [~~work~~] under this article:

13 (1) by attending a work and job skills training  
14 program, preparatory class for the high school equivalency  
15 examination administered under Section [7.111](#), Education Code, or  
16 similar activity; or

17 (2) [only] for:

18 (A) a governmental entity;  
19 (B) [or] a nonprofit organization or another  
20 organization that provides services to the general public that  
21 enhance social welfare and the general well-being of the community,  
22 as determined by the justice or judge;

23 (C) a religious organization;

24 (D) a neighborhood association or group; or

25 (E) an educational institution.

26 (d-1) An [~~A governmental~~] entity [~~or nonprofit~~  
27 ~~organization~~] that accepts a defendant under this article to

1 perform community service must agree to supervise, either on-site  
2 or remotely, the defendant in the performance of the defendant's  
3 community service work and report on the defendant's community  
4 service work to the justice or judge who ordered the community  
5 service.

6 (e) A justice or judge may not order a defendant to perform  
7 more than 16 hours of community service per week under this article  
8 unless the justice or judge determines that requiring the defendant  
9 to perform additional hours of work does not impose an undue  
10 cause a hardship on the defendant or the defendant's family. For  
11 purposes of this subsection, "family" has the meaning assigned by  
12 Section 71.003, Family Code.

13 (f) A sheriff, employee of a sheriff's department, county  
14 commissioner, county employee, county judge, justice of the peace,  
15 municipal court judge, or officer or employee of a political  
16 subdivision other than a county or an entity that accepts a  
17 defendant under this article to perform community service is not  
18 liable for damages arising from an act or failure to act in  
19 connection with community service performed by a defendant under  
20 this article if the act or failure to act:

21 (1) was performed pursuant to court order; and  
22 (2) was not intentional, wilfully or wantonly  
23 negligent, or performed with conscious indifference or reckless  
24 disregard for the safety of others.

25 (h) A defendant is considered to have discharged not less  
26 than \$100 of fines or costs for each eight hours of community  
27 service performed under this article.

1 SECTION 21. Article 45.051(a), Code of Criminal Procedure,  
2 is amended to read as follows:

3 (a) On a plea of guilty or nolo contendere by a defendant or  
4 on a finding of guilt in a misdemeanor case punishable by fine only  
5 and payment of all court costs, the judge may defer further  
6 proceedings without entering an adjudication of guilt and place the  
7 defendant on probation for a period not to exceed 180 days. In  
8 issuing the order of deferral, the judge may impose a special  
9 expense fee on the defendant in an amount not to exceed the amount  
10 of the fine that could be imposed on the defendant as punishment for  
11 the offense. The special expense fee may be collected at any time  
12 before the date on which the period of probation ends. The judge  
13 may elect not to impose the special expense fee for good cause shown  
14 by the defendant. If the judge orders the collection of a special  
15 expense fee, the judge shall require that the amount of the special  
16 expense fee be credited toward the payment of the amount of the fine  
17 imposed by the judge. An order of deferral under this subsection  
18 terminates any liability under a personal ~~bail bond or an~~  
19 ~~appearance~~ bond given for the charge.

20 SECTION 22. Article 45.0511(t), Code of Criminal Procedure,  
21 is amended to read as follows:

22 (t) An order of deferral under Subsection (c) terminates any  
23 liability under a personal ~~bail bond or appearance~~ bond given for  
24 the charge.

25 SECTION 23. Articles 103.0031(a), (b), (d), (f), (g), and  
26 (j), Code of Criminal Procedure, are amended to read as follows:

27 (a) The commissioners court of a county or the governing

1 body of a municipality may enter into a contract with a private  
2 attorney or a public or private vendor for the provision of  
3 collection services for one or more of the following items:

4 (1) debts and accounts receivable such as unpaid  
5 fines, fees, court costs, forfeited bonds, and restitution ordered  
6 paid by:

7 (A) a court serving the county or a court serving  
8 the municipality, as applicable; or

9 (B) a hearing officer serving the municipality  
10 under Chapter 682, Transportation Code; and

11 (2) ~~amounts in cases in which the accused has failed~~  
12 ~~to appear:~~

13 [(A) ~~as promised under Subchapter A, Chapter 543,~~  
14 ~~Transportation Code, or other law;~~

15 [(B) ~~in compliance with a lawful written notice~~  
16 ~~to appear issued under Article 14.06(b) or other law;~~

17 [(C) ~~in compliance with a lawful summons issued~~  
18 ~~under Article 15.03(b) or other law;~~

19 [(D) ~~in compliance with a lawful order of a court~~  
20 ~~serving the county or municipality; or~~

21 [(E) ~~as specified in a citation, summons, or~~  
22 ~~other notice authorized by Section 682.002, Transportation Code,~~  
23 ~~that charges the accused with a parking or stopping offense; and~~

24 [(3)] false alarm penalties or fees imposed by a  
25 county under Chapter 118 or 233, Local Government Code, or by a  
26 municipality under a municipal ordinance.

27 (b) A commissioners court or governing body of a

1 municipality that enters into a contract with a private attorney or  
2 private vendor under this article may authorize the addition of a  
3 collection fee in the amount of 15 [30] percent on each item  
4 described in Subsection (a) that is more than 60 days past due and  
5 has been referred to the attorney or vendor for collection. The  
6 collection fee does not apply to a case that has been dismissed by a  
7 court of competent jurisdiction or to any amount that has been  
8 satisfied through time-served credit or community service. The  
9 collection fee may be applied to any balance remaining after a  
10 partial credit for time served or community service if the balance  
11 is more than 60 days past due. Unless the contract provides  
12 otherwise, the court shall calculate the amount of any collection  
13 fee due to the governmental entity or to the private attorney or  
14 private vendor performing the collection services and shall receive  
15 all fees, including the collection fee. ~~[With respect to cases~~  
16 ~~described by Subsection (a)(2), the amount to which the 30 percent~~  
17 ~~collection fee applies is:~~

18 ~~[(1) the amount to be paid that is communicated to the~~  
19 ~~accused as acceptable to the court under its standard policy for~~  
20 ~~resolution of the case, if the accused voluntarily agrees to pay~~  
21 ~~that amount, or~~

22 ~~[(2) the amount ordered paid by the court after plea or~~  
23 ~~trial.]~~

24 (d) A county or municipality may not enter into a contract  
25 under Subsection (a) for the provision of collection services in  
26 cases in which [defendant is not liable for the collection fees  
27 authorized under Subsection (b) if] the court with [or original]

1 jurisdiction over the case has determined the defendant is  
2 indigent, or has insufficient resources or income, or is otherwise  
3 unable to pay all or part of the applicable amount owed [~~underlying~~  
4 ~~fine or costs~~].

5 (f) An item subject to collection services under Subsection  
6 (a) and to the additional collection fee authorized by Subsection  
7 (b) is considered more than 60 days past due under Subsection (b) if  
8 it remains unpaid on the 61st day after the following appropriate  
9 date:

10 (1) with respect to an item described by Subsection  
11 (a)(1), the date on which the debt, fine, fee, forfeited bond, or  
12 court cost must be paid in full as determined by the court or  
13 hearing officer; or

14 (2) with respect to an item described by Subsection  
15 (a)(2), [~~the date by which the accused promised to appear or was~~  
16 ~~notified, summoned, or ordered to appear, or~~

17 [~~(3) with respect to an item described by Subsection~~  
18 ~~(a)(3),~~] the date on which a penalty or fee is due under a rule or  
19 order adopted under Chapter 233, Local Government Code, or an  
20 ordinance, policy, procedure, or rule of a municipality.

21 (g) A county or municipality that enters into a contract  
22 under Subsection (a) may not use the additional 15 [30] percent  
23 collection fee authorized by Subsection (b) for any purpose other  
24 than compensating the private attorney or private vendor who earns  
25 the fee.

26 (j) A communication to the accused person regarding the  
27 amount of payment that is acceptable to the court under the court's

1 standard policy for resolution of a case must include:

2                   (1) a notice of the person's right to enter a plea or go

3 to trial on any offense charged; and

4                   (2) information regarding the alternatives to the full

5 payment of any fine or costs assessed against the person, if the

6 person is convicted of the offense and is unable to pay that amount.

7                   SECTION 24. Section 102.0212, Government Code, is amended

8 to read as follows:

9                   Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT

10 CODE. A person convicted of an offense shall pay the following

11 under the Local Government Code, in addition to all other costs:

12                   (1) court costs on conviction of a felony (Sec.

13 133.102, Local Government Code) . . . \$133;

14                   (2) court costs on conviction of a Class A or Class B

15 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

16                   (3) court costs on conviction of a nonjailable

17 misdemeanor offense, including a criminal violation of a municipal

18 ordinance, other than a conviction of an offense relating to a

19 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local

20 Government Code) . . . \$40;

21                   (4) ~~[a time payment fee if convicted of a felony or~~

22 ~~misdemeanor for paying any part of a fine, court costs, or~~

23 ~~restitution on or after the 31st day after the date on which a~~

24 ~~judgment is entered assessing the fine, court costs, or restitution~~

25 ~~(Sec. 133.103, Local Government Code) . . . \$25;~~

26                   [~~(5)~~] a cost on conviction of any offense, other than

27 an offense relating to a pedestrian or the parking of a motor

1 vehicle (Sec. 133.105, Local Government Code) . . . \$6; and  
2 (5) [+] a cost on conviction of any offense, other  
3 than an offense relating to a pedestrian or the parking of a motor  
4 vehicle (Sec. 133.107, Local Government Code) . . . \$2.

5 SECTION 25. Section 103.021, Government Code, is amended to  
6 read as follows:

7 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
8 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,  
9 or a party to a civil suit, as applicable, shall pay the following  
10 fees and costs under the Code of Criminal Procedure if ordered by  
11 the court or otherwise required:

12 (1) a personal bond fee (Art. 17.42, Code of Criminal  
13 Procedure) . . . the greater of \$20 or three percent of the amount  
14 of the bail fixed for the accused;

15 (2) cost of electronic monitoring as a condition of  
16 release on personal bond (Art. 17.43, Code of Criminal Procedure)  
17 . . . actual cost;

18 (3) a fee for verification of and monitoring of motor  
19 vehicle ignition interlock (Art. 17.441, Code of Criminal  
20 Procedure) . . . not to exceed \$10;

21 (3-a) costs associated with operating a global  
22 positioning monitoring system as a condition of release on bond  
23 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,  
24 subject to a determination of indigency;

25 (3-b) costs associated with providing a defendant's  
26 victim with an electronic receptor device as a condition of the  
27 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal

1 Procedure) . . . actual costs, subject to a determination of  
2 indigency;

3 (4) repayment of reward paid by a crime stoppers  
4 organization on conviction of a felony (Art. [37.073](#), Code of  
5 Criminal Procedure) . . . amount ordered;

6 (5) reimbursement to general revenue fund for payments  
7 made to victim of an offense as condition of community supervision  
8 (Chapter [42A](#), Code of Criminal Procedure) . . . not to exceed \$50  
9 for a misdemeanor offense or \$100 for a felony offense;

10 (6) payment to a crime stoppers organization as  
11 condition of community supervision (Chapter [42A](#), Code of Criminal  
12 Procedure) . . . not to exceed \$50;

13 (7) children's advocacy center fee (Chapter [42A](#), Code  
14 of Criminal Procedure) . . . not to exceed \$50;

15 (8) family violence center fee (Chapter [42A](#), Code of  
16 Criminal Procedure) . . . \$100;

17 (9) community supervision fee (Chapter [42A](#), Code of  
18 Criminal Procedure) . . . not less than \$25 or more than \$60 per  
19 month;

20 (10) additional community supervision fee for certain  
21 offenses (Chapter [42A](#), Code of Criminal Procedure) . . . \$5 per  
22 month;

23 (11) for certain financially able sex offenders as a  
24 condition of community supervision, the costs of treatment,  
25 specialized supervision, or rehabilitation (Chapter [42A](#), Code of  
26 Criminal Procedure) . . . all or part of the reasonable and  
27 necessary costs of the treatment, supervision, or rehabilitation as

1 determined by the judge;

2 (12) fee for failure to appear for trial in a justice  
3 or municipal court if a jury trial is not waived (Art. 45.026, Code  
4 of Criminal Procedure) . . . costs incurred for impaneling the  
5 jury;

6 (13) costs of certain testing, assessments, or  
7 programs during a deferral period (Art. 45.051, Code of Criminal  
8 Procedure) . . . amount ordered;

9 (14) special expense on dismissal of certain  
10 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)  
11 . . . not to exceed amount of fine assessed;

12 (15) an additional fee:

13 (A) for a copy of the defendant's driving record  
14 to be requested from the Department of Public Safety by the judge  
15 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal  
16 to the sum of the fee established by Section 521.048,  
17 Transportation Code, and the state electronic Internet portal fee;

18 (B) as an administrative fee for requesting a  
19 driving safety course or a course under the motorcycle operator  
20 training and safety program for certain traffic offenses to cover  
21 the cost of administering the article (Art. 45.0511(f)(1), Code of  
22 Criminal Procedure) . . . not to exceed \$10; or

23 (C) for requesting a driving safety course or a  
24 course under the motorcycle operator training and safety program  
25 before the final disposition of the case (Art. 45.0511(f)(2), Code  
26 of Criminal Procedure) . . . not to exceed the maximum amount of the  
27 fine for the offense committed by the defendant;

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1 (16) a request fee for teen court program (Art.  
2 45.052, Code of Criminal Procedure) . . . \$20, if the court  
3 ordering the fee is located in the Texas-Louisiana border region,  
4 but otherwise not to exceed \$10;

12 (19) certified mailing of notice of hearing date (Art.  
13 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

14 (20) certified mailing of certified copies of an order  
15 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,  
16 plus postage;

17 (20-a) a fee to defray the cost of notifying state  
18 agencies of orders of expungement (Art. 45.0216, Code of Criminal  
19 Procedure) . . . \$30 per application;

20 (21) sight orders:

24 (B) if the face amount of the check or sight order  
25 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of  
26 Criminal Procedure) . . . not to exceed \$15:

(c) if the face amount of the check or sight order

1 is greater than \$100 but does not exceed \$300 (Art. [102.007](#), Code of  
2 Criminal Procedure) . . . not to exceed \$30;

3 (D) if the face amount of the check or sight order  
4 is greater than \$300 but does not exceed \$500 (Art. [102.007](#), Code of  
5 Criminal Procedure) . . . not to exceed \$50; and

6 (E) if the face amount of the check or sight order  
7 is greater than \$500 (Art. [102.007](#), Code of Criminal Procedure)  
8 . . . not to exceed \$75;

9 (22) fees for a pretrial intervention program:

10 (A) a supervision fee (Art. [102.012\(a\)](#), Code of  
11 Criminal Procedure) . . . \$60 a month plus expenses; and

12 (B) a district attorney, criminal district  
13 attorney, or county attorney administrative fee (Art. [102.0121](#),  
14 Code of Criminal Procedure) . . . not to exceed \$500;

15 (23) parking fee violations for child safety fund in  
16 municipalities with populations:

17 (A) greater than 850,000 (Art. [102.014](#), Code of  
18 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

19 (B) less than 850,000 (Art. [102.014](#), Code of  
20 Criminal Procedure) . . . not to exceed \$5;

21 (24) ~~[an administrative fee for collection of fines,~~  
22 ~~fees, restitution, or other costs (Art. [102.072](#), Code of Criminal~~  
23 ~~Procedure) . . . not to exceed \$2 for each transaction;~~

24 ~~[25]~~ a collection fee, if authorized by the  
25 commissioners court of a county or the governing body of a  
26 municipality, for certain debts and accounts receivable, including  
27 unpaid fines, fees, court costs, forfeited bonds, and restitution

1 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 15  
2 [30] percent of an amount more than 60 days past due; and  
3 (25) [~~26~~] a cost on conviction for the truancy  
4 prevention and diversion fund (Art. 102.015, Code of Criminal  
5 Procedure) . . . \$2.

6 SECTION 26. Section 133.003, Local Government Code, is  
7 amended to read as follows:

8 Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
9 following criminal fees:

10 (1) the consolidated fee imposed under Section  
11 133.102;

12 (2) [~~the time payment fee imposed under Section~~  
13 ~~133.103,~~

14 [~~3~~] fees for services of peace officers employed by  
15 the state imposed under Article 102.011, Code of Criminal  
16 Procedure, and forwarded to the comptroller as provided by Section  
17 133.104;

18 (3) [~~4~~] costs on conviction imposed in certain  
19 statutory county courts under Section 51.702, Government Code, and  
20 deposited in the judicial fund;

21 (4) [~~5~~] costs on conviction imposed in certain  
22 county courts under Section 51.703, Government Code, and deposited  
23 in the judicial fund;

24 (5) [~~6~~] the administrative fee for failure to appear  
25 or failure to pay or satisfy a judgment imposed under Section  
26 706.006, Transportation Code;

27 (6) [~~7~~] fines on conviction imposed under Section

1       621.506(g), Transportation Code;  
2               (7) [(-8)] the fee imposed under Article 102.0045, Code  
3 of Criminal Procedure;  
4               (8) [(-9)] the cost on conviction imposed under Section  
5 133.105 and deposited in the judicial fund; and  
6               (9) [(-10)] the cost on conviction imposed under  
7 Section 133.107.

8               SECTION 27. Section 502.010, Transportation Code, is  
9 amended by amending Subsection (a) and adding Subsections (b-1),  
10 (i), and (j) to read as follows:

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

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

17               (2) failed to appear in connection with a complaint,  
18 citation, information, or indictment in a court in the county in  
19 which a criminal proceeding is pending against the owner.

20               (b-1) Information that is provided to make a determination  
21 under Subsection (a)(1) and that concerns the past due status of a  
22 fine or fee imposed for a criminal offense and owed to the county  
23 expires on the second anniversary of the date the information was  
24 provided and may not be used to refuse registration after that date.  
25 Once information about a past due fine or fee is provided under  
26 Subsection (b), subsequent information about other fines or fees  
27 that are imposed for a criminal offense and that become past due

1 before the second anniversary of the date the initial information  
2 was provided may not be used, either before or after the second  
3 anniversary of that date, to refuse registration under this section  
4 unless the motor vehicle is no longer subject to refusal of  
5 registration because of notice received under Subsection (c).

6       (i) A municipal court judge or justice of the peace who has  
7 jurisdiction over the underlying offense may waive an additional  
8 fee imposed under Subsection (f) if the judge or justice makes a  
9 finding that the defendant is economically unable to pay the fee or  
10 that good cause exists for the waiver.

11       (j) If any court having jurisdiction over an offense with  
12 respect to which a fine or fee was imposed makes a finding that the  
13 defendant is economically unable to pay the fine or fee:

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

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

19       SECTION 28. Section 502.010(f), Transportation Code, as  
20 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of  
21 the 82nd Legislature, Regular Session, 2011, is reenacted and  
22 amended to read as follows:

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

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

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6 SECTION 29. Section 521.242(a), Transportation Code, is  
7 amended to read as follows:

14 (1) the person resides; or

15 (2) the offense occurred for which the license was  
16 suspended.

17 SECTION 30. Chapter 706, Transportation Code, is amended by  
18 adding Section 706.0011 to read as follows:

19           Sec. 706.0011. FINDING BY COURT OF INABILITY TO PAY. If the  
20       court having jurisdiction over an offense for which a fine and cost  
21       were imposed makes a finding that the defendant is economically  
22       unable to pay the fine and cost:

27 SECTION 31. Section [706.004](#), Transportation Code, is

1 amended by adding Subsection (c) to read as follows:

2           (c) Notwithstanding Subsection (a), the department may deny  
3       renewal of a person's driver's license under this section until the  
4       earlier of:

5           (1)   the date the department receives clearance notice  
6       under Section 706.005; or

7           (2)   the second anniversary of the date the person  
8       failed to appear or failed to pay or satisfy a judgment.

9           SECTION 32. Section 706.005, Transportation Code, is  
10       amended to read as follows:

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

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

21           (2)    [~~the dismissal of the charge for which the warrant~~  
22       ~~of arrest was issued or judgment arose;~~

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

25           (3) [~~(4)~~]   the payment or discharge of the fine and  
26       cost owed on an outstanding judgment of the court; or

27           (4) [~~(5)~~]   other suitable arrangement to pay the fine

1 and cost within the court's discretion.

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

5 (1) under Subsection (a);

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

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

10 (4) ~~[+3]~~ from the political subdivision that the  
11 failure to appear report or court order to pay a fine or cost  
12 relating to the person:

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

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

16 SECTION 33. Section 706.006, Transportation Code, is  
17 amended by amending Subsections (a), (b), and (c) and adding  
18 Subsections (d) and (e) to read as follows:

19 (a) Except as provided by Subsection (e), a ~~A~~ person who  
20 fails to appear for a complaint or citation for an offense described  
21 by Section 706.002(a) shall be required to pay an administrative  
22 fee of \$30 for each complaint or citation reported to the department  
23 under this chapter, unless the person is acquitted of the charges  
24 for which the person failed to appear or those charges are  
25 dismissed. The person shall pay the fee when:

26 (1) the court enters judgment on the underlying  
27 offense reported to the department; or

(2) [the underlying offense is dismissed; or

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

(b) Except as provided by Subsection (e), a [A] person who  
to pay or satisfy a judgment ordering the payment of a fine  
st in the manner the court orders shall be required to pay an  
-strative fee of \$30.

8                   (c) The department may deny renewal of the driver's license  
9 of a person who does not pay a fee due under this section until the  
10 earlier of:

(1) the date the fee is paid; or

(2) the second anniversary of the date the person  
appear or failed to pay or satisfy a judgment.

14                   (d)   The fee required by this section is in addition to any  
15 other fee required by law.

16                   (e) A municipal court judge or justice of the peace who has  
17 jurisdiction over the underlying offense may waive an  
18 administrative fee required by this section if the judge or justice  
19 makes a finding that the person is economically unable to pay the  
20 fee or that good cause exists for the waiver.

21 SECTION 34. Section 708.152(b), Transportation Code, is  
22 amended to read as follows:

23 (b) A license suspended under this section remains  
24 suspended until the earlier of:

25                            (1) the date the person pays the amount of the  
26 surcharge and any related costs; or

27 (2) the second anniversary of the date of suspension.

1 SECTION 35. Section 708.154(c), Transportation Code, is  
2 amended to read as follows:

3 (c) A license suspended under this section remains  
4 suspended until the earlier of:

5 (1) the date the person pays the amount of the  
6 surcharge and any related costs; or

7 (2) the second anniversary of the date of suspension,  
8 whichever date is earlier.

9 SECTION 36. Section 708.158, Transportation Code, is  
10 amended to read as follows:

11 Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

12 (a) If the court having jurisdiction over an offense with respect  
13 to which a fine and cost were imposed makes a finding that the  
14 person is economically unable to pay the fine and cost, the [The]  
15 department shall waive all surcharges assessed under this chapter  
16 for the [a] person [who is indigent. For the purposes of this  
17 section, a person is considered to be indigent if the person  
18 provides the evidence described by Subsection (b) to the court].

19 (b) A person must provide information to the court in which  
20 the person is convicted of the offense that is the basis for the  
21 surcharge to establish that the person is economically unable to  
22 pay the fine and cost [indigent]. The following documentation may  
23 be used as proof:

24 (1) a copy of the person's most recent federal income  
25 tax return that shows that the person's income or the person's  
26 household income does not exceed 125 percent of the applicable  
27 income level established by the federal poverty guidelines;

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10 (A) the food stamp program or the financial  
11 assistance program established under Chapter 31, Human Resources  
12 Code:

13 (B) the federal special supplemental nutrition  
14 program for women, infants, and children authorized by 42 U.S.C.  
15 Section 1786:

16 (C) the medical assistance program under Chapter  
17 32. Human Resources Code;

18 (D) the child health plan program under Chapter  
19 62, Health and Safety Code; or

20 (E) the national free or reduced-price lunch  
21 program established under 42 U.S.C. Section 1751 et seq.

22 (c) Not later than the fifth day after the date the court  
23 receives information described by Subsection (b) establishing that  
24 a person is economically unable to pay a fine or cost, the court  
25 shall notify the department of the court's finding under this  
26 section.

27 SECTION 37. The following provisions are repealed:

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6 (3) Section 133.103, Local Government Code.

7 SECTION 38. The changes in law made by this Act to Articles  
8 **14.06, 27.14, and 45.019**, Code of Criminal Procedure, and Sections  
9 502.010 and 708.158 and Chapter **706**, Transportation Code, apply  
10 only to an offense committed on or after the effective date of this  
11 Act. An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense occurred  
16 before that date.

17 SECTION 39. The changes in law made by this Act to Articles  
18 **42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491,**  
19 Code of Criminal Procedure, and Articles **45.0492**, Code of Criminal  
20 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd  
21 Legislature, Regular Session, 2011, and **45.0492**, Code of Criminal  
22 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd  
23 Legislature, Regular Session, 2011, apply to a sentencing  
24 proceeding that commences before, on, or after the effective date  
25 of this Act.

26 SECTION 40. The change in law made by this Act to Articles  
27 43.05 and 45.045, Code of Criminal Procedure, applies only to a

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

5                SECTION 41. The changes in law made by this Act to Articles  
6      [45.016](#), [45.051](#), and [45.0511](#), Code of Criminal Procedure, apply only  
7      to a bond executed on or after the effective date of this Act. A  
8      bond executed before the effective date of this Act is governed by  
9      the law in effect when the bond was executed, and the former law is  
10     continued in effect for that purpose.

11               SECTION 42. The repeal by this Act of Article [45.044](#), Code  
12     of Criminal Procedure, does not apply to a cash bond posted by a  
13     defendant before the effective date of this Act. A cash bond posted  
14     by a defendant before the effective date of this Act is governed by  
15     the law as it existed on the date the bond was posted, and the former  
16     law is continued in effect for that purpose.

17               SECTION 43. The change in law made by this Act to Article  
18      [45.048](#), Code of Criminal Procedure, applies to a defendant who is  
19      placed in jail on or after the effective date of this Act for  
20      failure to pay the fine and costs imposed on conviction of an  
21      offense, regardless of whether the offense of which the defendant  
22      was convicted was committed before, on, or after the effective date  
23      of this Act.

24               SECTION 44. The repeal by this Act of Article [102.072](#), Code  
25     of Criminal Procedure, applies only to a transaction that occurs on  
26     or after the effective date of this Act. A transaction that occurs  
27     before the effective date of this Act is governed by the law in

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1 effect on the date the transaction occurred, and the former law is  
2 continued in effect for that purpose.

3 SECTION 45. The change in law made by this Act in amending  
4 Article [103.0031](#), Code of Criminal Procedure, does not affect the  
5 terms of a contract entered into before the effective date of this  
6 Act, except that if the contract is renewed, modified, or extended  
7 on or after the effective date of this Act, Article [103.0031](#) applies  
8 to the contract beginning on the date of renewal, modification, or  
9 extension.

10 SECTION 46. The repeal by this Act of Section [133.103](#), Local  
11 Government Code, does not apply to an offense committed before the  
12 effective date of this Act. An offense committed before the  
13 effective date of this Act is governed by the law as it existed on  
14 the date the offense was committed, and the former law is continued  
15 in effect for that purpose. For purposes of this section, an  
16 offense was committed before the effective date of this Act if any  
17 element of the offense occurred before that date.

18 SECTION 47. This Act takes effect September 1, 2017.