

By: Reynolds

H.B. No. 2451

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Proportional Fine Commission.

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

SECTION 1. PROPORTIONAL FINE COMMISSION. (a) In this section, "commission" means the Proportional Fine Commission.

(b) The commission is created to study and make recommendations to the legislature regarding the implementation of a statutory requirement that a criminal fine be proportional to the severity of the offense and to the defendant's net income.

(c) The commission shall:

(1) review all criminal offenses of this state and assign to each offense a number of "offense units" not less than 1 or more than 120 that reflects the relative severity of the offense; and

(2) make recommendations to the legislature regarding:

(A) the implementation of a proportional criminal fine for each criminal offense that is calculated by multiplying:

(i) the number of "offense units" assigned to the offense as described by Subdivision (1) of this subsection; and

(ii) the quotient of the defendant's net income and 365;

1 (B) a method of determining a defendant's net
2 income for purposes of calculating the fine amount under Paragraph
3 (A) of this subdivision;

4 (C) any permissible adjustments to the fine
5 amount, as calculated under Paragraph (A) of this subdivision, to
6 reflect a defendant's individual circumstances; and

7 (D) any conforming changes to state law that are
8 necessary to accommodate the implementation of proportional
9 criminal fines as described by this subdivision.

10 (d) The commission is composed of nine members appointed by
11 the governor, including:

12 (1) a district court judge;

13 (2) a prosecuting attorney;

14 (3) a public defender;

15 (4) a private attorney who specializes in criminal
16 defense;

17 (5) a director of a community supervision and
18 corrections department established under Chapter 76, Government
19 Code;

20 (6) a supervision officer employed by a community
21 supervision and corrections department established under Chapter
22 76, Government Code;

23 (7) a representative of a nonprofit organization that
24 serves low-income communities; and

25 (8) an expert specializing in criminal sentencing or
26 criminology.

27 (e) The governor shall designate one member of the

1 commission to serve as the presiding officer of the commission.

2 (f) A member of the commission is not entitled to
3 compensation or reimbursement of expenses.

4 (g) The commission shall meet at the call of the presiding
5 officer.

6 (h) Not later than November 1, 2020, the commission shall
7 report the commission's findings and recommendations to the
8 governor, the lieutenant governor, the speaker of the house of
9 representatives, the Supreme Court of Texas, the Texas Court of
10 Criminal Appeals, and the standing committees of the house of
11 representatives and the senate with primary jurisdiction over
12 criminal justice.

13 SECTION 2. APPOINTMENT OF MEMBERS. Not later than the 60th
14 day after the effective date of this Act, the governor shall appoint
15 the members of the commission created under this Act.

16 SECTION 3. ABOLITION OF COMMISSION. The commission is
17 abolished and this Act expires December 31, 2020.

18 SECTION 4. EFFECTIVE DATE. This Act takes effect September
19 1, 2019.