

AN ACT

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

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

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

(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:

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

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

(3) [ ] the offense charged;

(4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount; [ ] and

(5) the following admonishment, in boldfaced or underlined type or in capital letters:

"If you are convicted of a misdemeanor offense involving 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  
23 deliver 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 regular [~~certified~~] mail[~~, return receipt~~  
9 ~~requested,~~] of the amount of any fine or costs assessed in the case,  
10 information regarding the alternatives to the full payment of any  
11 fine or costs assessed against the defendant, if the defendant is  
12 unable to pay that amount, and, if requested by the defendant, the  
13 amount of an appeal bond that the court will approve. Except as  
14 otherwise provided by this code, the [~~The~~] defendant shall pay any  
15 fine or costs assessed or give an appeal bond in the amount stated  
16 in the 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 during or immediately after imposing a sentence in a case in which  
22 the defendant entered a plea in open court as provided by Article  
23 [27.13](#), [27.14](#)(a), or [27.16](#)(a), a court shall inquire whether the  
24 defendant has sufficient resources or income to immediately pay all  
25 or part of the fine and costs. If the court determines that the  
26 defendant does not have sufficient resources or income to  
27 immediately pay all or part of the fine and costs, the court shall

1 determine whether the fine and costs should be:

2 (1) subject to Subsection (c), required to be paid at  
3 some later date or in a specified portion at designated intervals;

4 (2) discharged by performing community service under,  
5 as applicable, Article 43.09(f), Article 45.049, Article 45.0492,  
6 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
7 Regular Session, 2011, or Article 45.0492, as added by Chapter 777  
8 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;

9 (3) waived in full or in part under Article 43.091 or  
10 45.0491; or

11 (4) satisfied through any combination of methods under  
12 Subdivisions (1)-(3).

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

15 (1) to pay the entire fine and costs when sentence is  
16 pronounced;

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

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

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

23 (a-1) A court may not issue a capias pro fine for the  
24 defendant's failure to satisfy the judgment according to its terms  
25 unless the court holds a hearing on the defendant's ability to  
26 satisfy the judgment and:

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

1           (2) based on evidence presented at the hearing, the  
2 court determines that the capias pro fine should be issued.

3           (a-2) The court shall recall a capias pro fine if, before  
4 the capias pro fine is executed:

5           (1) the defendant voluntarily appears to resolve the  
6 amount owed; and

7           (2) the amount owed is resolved in any manner  
8 authorized by this code.

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

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

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

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

18 (1) the number of hours of community service the  
19 defendant is required to perform ~~[work]~~; ~~[and]~~

20 (2) whether the community supervision and corrections  
21 department or a court-related services office will perform the  
22 administrative duties required by the placement of the defendant in  
23 the community service program; and

24 (3) the date by which the defendant must submit to the  
25 court documentation verifying the defendant's completion of the  
26 community service.

27 (h) The court may order the defendant to perform community

1 service [~~work~~] under Subsection (f):

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

6 (2) [~~of this article only~~] for:

7 (A) a governmental entity;

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

12 (C) an educational institution.

13 (h-1) An [~~A governmental~~] entity [~~or nonprofit~~  
14 organization] that accepts a defendant under Subsection (f) [~~of~~  
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

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 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A court may waive  
17 payment of all or part of a fine or costs [~~cost~~] imposed on a  
18 defendant [~~who defaults in payment~~] if the court determines that:

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

23 (2) each alternative method of discharging the fine or  
24 cost under Article 43.09 or 42.15 would impose an undue hardship on  
25 the defendant.

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



1       (e) A justice or judge may not issue an arrest warrant for  
2 the defendant's failure to appear at the initial court setting,  
3 including failure to appear as required by a citation issued under  
4 Article 14.06(b), unless:

5               (1) the justice or judge provides by telephone or  
6 regular mail to the defendant notice that includes:

7                       (A) a date and time, occurring within the 30-day  
8 period following the date that notice is provided, when the  
9 defendant must appear before the justice or judge;

10                      (B) the name and address of the court with  
11 jurisdiction in the case;

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

15                      (D) an explanation of the consequences if the  
16 defendant fails to appear before the justice or judge as required by  
17 this article; and

18               (2) the defendant fails to appear before the justice  
19 or judge as required by this article.

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

24       (g) A justice or judge shall recall an arrest warrant for  
25 the defendant's failure to appear if the defendant voluntarily  
26 appears and makes a good faith effort to resolve the arrest warrant  
27 before the warrant is executed.

1 SECTION 9. Article 45.016, Code of Criminal Procedure, is  
2 amended to read as follows:

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

9 (1) the defendant fails to appear in accordance with  
10 this code with respect to the applicable offense; and

11 (2) the justice or judge determines that:

12 (A) the defendant has sufficient resources or  
13 income to give a bail bond; and

14 (B) a bail bond is necessary to secure the  
15 defendant's appearance in accordance with this code.

16 (c) If before the expiration of a 48-hour period following  
17 the issuance of the applicable order a defendant described by  
18 Subsections (b)(1) and (2) does not give a required bail bond, the  
19 justice or judge:

20 (1) shall reconsider the requirement for the defendant  
21 to give the bail bond and presume that the defendant does not have  
22 sufficient resources or income to give the bond; and

23 (2) may require the defendant to give a personal bond.

24 (d) If the defendant refuses to give a personal bond or,  
25 except as provided by Subsection (c), refuses or otherwise fails to  
26 give a bail bond, the defendant may be held in custody.

27 SECTION 10. Article 45.041, Code of Criminal Procedure, is

1 amended by adding Subsection (a-1) and amending Subsection (b) to  
2 read as follows:

3 (a-1) Notwithstanding any other provision of this article,  
4 during or immediately after imposing a sentence in a case in which  
5 the defendant entered a plea in open court as provided by Article  
6 27.14(a) or 27.16(a), the justice or judge shall inquire whether  
7 the defendant has sufficient resources or income to immediately pay  
8 all or part of the fine and costs. If the justice or judge  
9 determines that the defendant does not have sufficient resources or  
10 income to immediately pay all or part of the fine and costs, the  
11 justice or judge shall determine whether the fine and costs should  
12 be:

13 (1) subject to Subsection (b-2), required to be paid  
14 at some later date or in a specified portion at designated  
15 intervals;

16 (2) discharged by performing community service under,  
17 as applicable, Article 45.049, Article 45.0492, as added by Chapter  
18 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session,  
19 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts  
20 of the 82nd Legislature, Regular Session, 2011;

21 (3) waived in full or in part under Article 45.0491; or

22 (4) satisfied through any combination of methods under  
23 Subdivisions (1)-(3).

24 (b) Subject to Subsections (b-2) and (b-3) and Article  
25 45.0491, the justice or judge may direct the defendant:

26 (1) to pay:

27 (A) the entire fine and costs when sentence is

1 pronounced;

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

3 or

4 (C) a specified portion of the fine and costs at  
5 designated intervals;

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

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

9 SECTION 11. Article 45.0425(a), Code of Criminal Procedure,  
10 is amended to read as follows:

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

21 SECTION 12. Article 45.045, Code of Criminal Procedure, is  
22 amended by adding Subsections (a-2) and (a-3) to read as follows:

23 (a-2) The court may not issue a capias pro fine for the  
24 defendant's failure to satisfy the judgment according to its terms  
25 unless the court holds a hearing on the defendant's ability to  
26 satisfy the judgment and:

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

1           (2) based on evidence presented at the hearing, the  
2 court determines that the capias pro fine should be issued.

3           (a-3) The court shall recall a capias pro fine if, before  
4 the capias pro fine is executed:

5           (1) the defendant voluntarily appears to resolve the  
6 amount owed; and

7           (2) the amount owed is resolved in any manner  
8 authorized by this chapter.

9           SECTION 13. Article 45.046(a), Code of Criminal Procedure,  
10 is amended to read as follows:

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

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

18           (2) the defendant is indigent and:

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

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

23           SECTION 14. Article 45.048, Code of Criminal Procedure, is  
24 amended to read as follows:

25           Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed  
26 in jail on account of failure to pay the fine and costs shall be  
27 discharged on habeas corpus by showing that the defendant:

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

2 (2) has remained in jail a sufficient length of time to  
3 satisfy the fine and costs, at the rate of not less than \$100 [~~\$50~~]  
4 for each period [~~of time~~] served, as specified by the convicting  
5 court in the judgment in the case.

6 (b) A convicting court may specify a period [~~of time~~] that  
7 is not less than eight hours or more than 24 hours as the period for  
8 which a defendant who fails to pay the fine [~~finer~~] and costs in the  
9 case must remain in jail to satisfy \$100 [~~\$50~~] of the fine and  
10 costs.

11 SECTION 15. Article 45.049, Code of Criminal Procedure, is  
12 amended by amending Subsections (b), (c), (d), (e), (f), and (g) and  
13 adding Subsection (c-1) to read as follows:

14 (b) In the justice's or judge's order requiring a defendant  
15 to perform [~~participate in~~] community service [~~work~~] under this  
16 article, the justice or judge must specify:

17 (1) the number of hours of community service the  
18 defendant is required to perform; and

19 (2) the date by which the defendant must submit to the  
20 court documentation verifying the defendant's completion of the  
21 community service [~~work~~].

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

24 (1) by attending a work and job skills training  
25 program, a preparatory class for the high school equivalency  
26 examination administered under Section 7.111, Education Code, or  
27 similar activity; or

1           (2) [~~only~~] for:

2                   (A) a governmental entity;

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

7                   (C) 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 \$100 [~~\$50~~] of fines or costs for each eight hours of community  
22 service performed under this article.

23           (f) A sheriff, employee of a sheriff's department, county  
24 commissioner, county employee, county judge, justice of the peace,  
25 municipal court judge, or officer or employee of a political  
26 subdivision other than a county or an entity that accepts a  
27 defendant under this article to perform community service is not

1 liable for damages arising from an act or failure to act in  
2 connection with community service [~~manual labor~~] performed by a  
3 defendant under this article if the act or failure to act:

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

5 (2) was not intentional, wilfully or wantonly  
6 negligent, or performed with conscious indifference or reckless  
7 disregard for the safety of others.

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

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

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

19 (A) supervise, either on-site or remotely, the  
20 defendant in the performance of the defendant's community service  
21 [~~work~~]; and

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

24 SECTION 16. Article 45.0491, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR  
27 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. (a) A municipal



1 court, regardless of whether the court is a court of record, or a  
2 justice court may waive payment of all or part of a fine or costs  
3 imposed on a defendant [~~who defaults in payment~~] if the court  
4 determines that:

5 (1) the defendant is indigent or does not have  
6 sufficient resources or income to pay all or part of the fine or  
7 costs or was, at the time the offense was committed, a child as  
8 defined by Article 45.058(h); and

9 (2) discharging the fine or [~~and~~] costs under Article  
10 45.049 or as otherwise authorized by this chapter would impose an  
11 undue hardship on the defendant.

12 (b) A defendant is presumed to be indigent or to not have  
13 sufficient resources or income to pay all or part of the fine or  
14 costs if the defendant:

15 (1) is in the conservatorship of the Department of  
16 Family and Protective Services, or was in the conservatorship of  
17 that department at the time of the offense; or

18 (2) is designated as a homeless child or youth or an  
19 unaccompanied youth, as those terms are defined by 42 U.S.C.  
20 Section 11434a, or was so designated at the time of the offense.

21 SECTION 17. The heading to Article 45.0492, Code of  
22 Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the  
23 82nd Legislature, Regular Session, 2011, is amended to read as  
24 follows:

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

27 SECTION 18. Article 45.0492, Code of Criminal Procedure, as

1 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
2 Regular Session, 2011, is amended by amending Subsections (b), (c),  
3 (d), (f), (g), and (h) and adding Subsection (d-1) to read as  
4 follows:

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

12 (c) In the justice's or judge's order requiring a defendant  
13 to perform [~~participate in~~] community service [~~work or a tutoring~~  
14 ~~program~~] under this article, the justice or judge must specify:

15 (1) the number of hours of community service the  
16 defendant is required to perform; and

17 (2) the date by which the defendant must submit to the  
18 court documentation verifying the defendant's completion of the  
19 community service [~~work or attend tutoring~~].

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

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

26 (2) [~~only~~] for:

27 (A) a governmental entity;

1                   (B) ~~[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; or

5                   (C) an educational institution.

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

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

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

25           (h) A sheriff, employee of a sheriff's department, county  
26 commissioner, county employee, county judge, justice of the peace,  
27 municipal court judge, or officer or employee of a political

1 subdivision other than a county or an entity that accepts a  
2 defendant under this article to perform community service~~[,~~  
3 ~~nonprofit organization, or tutoring program]~~ is not liable for  
4 damages arising from an act or failure to act in connection with  
5 community service [~~an activity~~] performed by a defendant under this  
6 article if the act or failure to act:

- 7           (1) was performed pursuant to court order; and  
8           (2) was not intentional, grossly negligent, or  
9 performed with conscious indifference or reckless disregard for the  
10 safety of others.

11           SECTION 19. Article 45.0492, Code of Criminal Procedure, as  
12 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,  
13 Regular Session, 2011, is amended by amending Subsections (c), (d),  
14 (e), and (f) and adding Subsections (d-1) and (h) to read as  
15 follows:

16           (c) In the justice's or judge's order requiring a defendant  
17 to perform community service under this article, the justice or  
18 judge shall specify:

19                 (1) the number of hours of community service the  
20 defendant is required to perform, [~~and may~~] not to exceed [~~order~~  
21 ~~more than~~] 200 hours; and

22                 (2) the date by which the defendant must submit to the  
23 court documentation verifying the defendant's completion of the  
24 community service.

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

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) ~~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 justice or judge; or

10                   (C) an educational institution.

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

18           (e) A justice or judge may not order a defendant to perform  
19 more than 16 hours of community service per week under this article  
20 unless the justice or judge determines that requiring the defendant  
21 to perform additional hours ~~[of work]~~ does not impose an undue  
22 ~~[cause a]~~ hardship on the defendant or the defendant's family. For  
23 purposes of this subsection, "family" has the meaning assigned by  
24 Section 71.003, Family Code.

25           (f) A sheriff, employee of a sheriff's department, county  
26 commissioner, county employee, county judge, justice of the peace,  
27 municipal court judge, or officer or employee of a political

1 subdivision other than a county or an entity that accepts a  
2 defendant under this article to perform community service is not  
3 liable for damages arising from an act or failure to act in  
4 connection with community service performed by a defendant under  
5 this article if the act or failure to act:

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

7 (2) was not intentional, wilfully or wantonly  
8 negligent, or performed with conscious indifference or reckless  
9 disregard for the safety of others.

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

13 SECTION 20. Article 45.051(a), Code of Criminal Procedure,  
14 is amended to read as follows:

15 (a) On a plea of guilty or nolo contendere by a defendant or  
16 on a finding of guilt in a misdemeanor case punishable by fine only  
17 and payment of all court costs, the judge may defer further  
18 proceedings without entering an adjudication of guilt and place the  
19 defendant on probation for a period not to exceed 180 days. In  
20 issuing the order of deferral, the judge may impose a special  
21 expense fee on the defendant in an amount not to exceed the amount  
22 of the fine that could be imposed on the defendant as punishment for  
23 the offense. The special expense fee may be collected at any time  
24 before the date on which the period of probation ends. The judge  
25 may elect not to impose the special expense fee for good cause shown  
26 by the defendant. If the judge orders the collection of a special  
27 expense fee, the judge shall require that the amount of the special

1 expense fee be credited toward the payment of the amount of the fine  
2 imposed by the judge. An order of deferral under this subsection  
3 terminates any liability under a [~~bail bond or an appearance~~] bond  
4 given for the charge.

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

7 (t) An order of deferral under Subsection (c) terminates any  
8 liability under a [~~bail bond or appearance~~] bond given for the  
9 charge.

10 SECTION 22. Article 103.0031(j), Code of Criminal  
11 Procedure, is amended to read as follows:

12 (j) A communication to the accused person regarding the  
13 amount of payment that is acceptable to the court under the court's  
14 standard policy for resolution of a case must include:

15 (1) a notice of the person's right to enter a plea or go  
16 to trial on any offense charged; and

17 (2) a statement that, if the person is unable to pay  
18 the full amount of payment that is acceptable to the court, the  
19 person should contact the court regarding the alternatives to full  
20 payment that are available to resolve the case.

21 SECTION 23. Section 502.010, Transportation Code, is  
22 amended by amending Subsections (a) and (c) and adding Subsections  
23 (b-1), (i), and (j) to read as follows:

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

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

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

6           (b-1) Information that is provided to make a determination  
7 under Subsection (a)(1) and that concerns the past due status of a  
8 fine or fee imposed for a criminal offense and owed to the county  
9 expires on the second anniversary of the date the information was  
10 provided and may not be used to refuse registration after that date.  
11 Once information about a past due fine or fee is provided under  
12 Subsection (b), subsequent information about other fines or fees  
13 that are imposed for a criminal offense and that become past due  
14 before the second anniversary of the date the initial information  
15 was provided may not be used, either before or after the second  
16 anniversary of that date, to refuse registration under this section  
17 unless the motor vehicle is no longer subject to refusal of  
18 registration because of notice received under Subsection (c).

19           (c) A county that has a contract under Subsection (b) shall  
20 notify the department regarding a person for whom the county  
21 assessor-collector or the department has refused to register a  
22 motor vehicle on:

23           (1) the person's payment or other means of discharge,  
24 including a waiver, of the past due fine, fee, or tax; or

25           (2) perfection of an appeal of the case contesting  
26 payment of the fine, fee, or tax.

27           (i) A municipal court judge or justice of the peace who has



1 jurisdiction over the underlying offense may waive an additional  
2 fee imposed under Subsection (f) if the judge or justice makes a  
3 finding that the defendant is economically unable to pay the fee or  
4 that good cause exists for the waiver.

5 (j) If a county assessor-collector is notified that the  
6 court having jurisdiction over the underlying offense has waived  
7 the past due fine or fee due to the defendant's indigency, the  
8 county may not impose an additional fee on the defendant under  
9 Subsection (f).

10 SECTION 24. Section 502.010(f), Transportation Code, as  
11 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of  
12 the 82nd Legislature, Regular Session, 2011, is reenacted and  
13 amended to read as follows:

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

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

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

24 SECTION 25. Section 706.005, Transportation Code, is  
25 amended to read as follows:

26 Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A  
27 political subdivision shall immediately notify the department that

1 there is no cause to continue to deny renewal of a person's driver's  
2 license based on the person's previous failure to appear or failure  
3 to pay or satisfy a judgment ordering the payment of a fine and cost  
4 in the manner ordered by the court in a matter involving an offense  
5 described by Section 706.002(a), on payment of a fee as provided by  
6 Section 706.006 and:

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

9 (2) the dismissal of the charge for which the warrant  
10 of arrest was issued or judgment arose, other than a dismissal with  
11 prejudice by motion of the appropriate prosecuting attorney for  
12 lack of evidence;

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

15 (4) the payment or discharge of the fine and cost owed  
16 on an outstanding judgment of the court; or

17 (5) other suitable arrangement to pay the fine and  
18 cost within the court's discretion.

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

22 (1) under Subsection (a);

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

25 (3) that the charge on which the person failed to  
26 appear was dismissed with prejudice by motion of the appropriate  
27 prosecuting attorney for lack of evidence; 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 26. Section 706.006, Transportation Code, is  
8 amended by amending Subsections (a) and (b) and adding Subsections  
9 (a-1) and (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 each complaint or citation reported to the department  
14 under this chapter, unless:

15                   (1) the person is acquitted of the charges for which  
16 the person failed to appear;

17                   (2) the charges on which the person failed to appear  
18 were dismissed with prejudice by motion of the appropriate  
19 prosecuting attorney for lack of evidence;

20                   (3) the failure to appear report was sent to the  
21 department in error; or

22                   (4) the case regarding the complaint or citation is  
23 closed and the failure to appear report has been destroyed in  
24 accordance with the applicable political subdivision's records  
25 retention policy.

26           (a-1) A [The] person who is required to pay a fee under  
27 Subsection (a) shall pay the fee when:

1 (1) the court enters judgment on the underlying  
2 offense reported to the department;

3 (2) the underlying offense is dismissed, other than a  
4 dismissal described by Subsection (a)(2); or

5 (3) bond or other security is posted to reinstate the  
6 charge for which the warrant was issued.

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

11 (d) If the court having jurisdiction over the underlying  
12 offense makes a finding that the person is indigent, the person may  
13 not be required to pay an administrative fee under this section.  
14 For purposes of this subsection, a person is presumed to be indigent  
15 if the person:

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

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

21 (3) receives assistance from:

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

24 (B) the medical assistance program under Chapter  
25 32, Human Resources Code;

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

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

4                    (E) the child health plan program under Chapter  
5 62, Health and Safety Code.

6            SECTION 27. Article 45.0492(e), Code of Criminal Procedure,  
7 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
8 Regular Session, 2011, is repealed.

9            SECTION 28. The changes in law made by this Act to Articles  
10 14.06 and 27.14, Code of Criminal Procedure, and Section 502.010  
11 and Chapter 706, Transportation Code, apply only to an offense  
12 committed on or after the effective date of this Act. An offense  
13 committed before the effective date of this Act is governed by the  
14 law in effect on the date the offense was committed, and the former  
15 law is continued in effect for that purpose. For purposes of this  
16 section, an offense was committed before the effective date of this  
17 Act if any element of the offense occurred before that date.

18            SECTION 29. The changes in law made by this Act to Articles  
19 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491,  
20 Code of Criminal Procedure, and Articles 45.0492, Code of Criminal  
21 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd  
22 Legislature, Regular Session, 2011, and 45.0492, Code of Criminal  
23 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd  
24 Legislature, Regular Session, 2011, apply to a sentencing  
25 proceeding that commences before, on, or after the effective date  
26 of this Act.

27            SECTION 30. The change in law made by this Act to Articles

1 43.05 and 45.045, Code of Criminal Procedure, applies only to a  
2 capias pro fine issued on or after the effective date of this Act. A  
3 capias pro fine issued before the effective date of this Act is  
4 governed by the law in effect on the date the capias pro fine was  
5 issued, and the former law is continued in effect for that purpose.

6 SECTION 31. The changes in law made by this Act to Articles  
7 45.016, 45.051, and 45.0511, Code of Criminal Procedure, apply only  
8 to a bond executed on or after the effective date of this Act. A  
9 bond executed before the effective date of this Act is governed by  
10 the law in effect when the bond was executed, and the former law is  
11 continued in effect for that purpose.

12 SECTION 32. The change in law made by this Act to Article  
13 45.048, Code of Criminal Procedure, applies to a defendant who is  
14 placed in jail on or after the effective date of this Act for  
15 failure to pay the fine and costs imposed on conviction of an  
16 offense, regardless of whether the offense for which the defendant  
17 was convicted was committed before, on, or after the effective date  
18 of this Act.

19 SECTION 33. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1913 passed the Senate on May 3, 2017, by the following vote: Yeas 25, Nays 6; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 26, Nays 5.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1913 passed the House, with amendments, on May 23, 2017, by the following vote: Yeas 75, Nays 70, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 77, Nays 70, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor