BILL ANALYSIS

Senate Research Center
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H.B. 121
By: Fletcher et al. (Whitmire)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties report that the amount of uncollected payments related to capias pro fines is too high, and the parties assert that an alternative mechanism for collecting such payments will result in more revenue for counties and municipalities. In addition, the parties contend that the option of making such a payment at the time of arrest could avoid contributing to already crowded jails, save time for arresting officers, and relieve minor offenders suddenly informed of an uncollected payment when pulled over for a routine moving violation from the burden of dealing with an impounded vehicle and the potential inconvenience of finding someone to supervise a child because of an unexpected arrest. H.B. 121 seeks to address these issues.

Amends the Code of Criminal Procedure to authorize a court to adopt an alternative procedure for collecting a defendant's past due payment on a judgment for a fine and related court costs if a capias pro fine has been issued in the case. The bill requires, under the alternative procedure, that a peace officer who executes a capias pro fine or who is authorized to arrest a defendant on other grounds and who knows that the defendant owes such a past due payment, to inform the defendant of the possibility of making an immediate payment of the fine and related court costs by use of a credit or debit card and of the defendant's available alternatives to making an immediate payment. The bill authorizes the peace officer, on behalf of the court, to accept the defendant's immediate payment of the fine and related court costs by use of a credit or debit card, after which the peace officer is authorized to release the defendant as appropriate based on the officer's authority for the arrest. The bill authorizes a peace officer accepting such an immediate payment to also accept payment for fees for the issuance and execution of the capias pro fine.

H.B. 121 amends current law relating to an alternative means of payment of certain past due criminal fines and court costs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 103, Code of Criminal Procedure, to read as follows:

> CHAPTER 103. PAYMENT, COLLECTION, AND RECORDKEEPING

SECTION 2. Amends Chapter 103, Code of Criminal Procedure, by adding Article 103.0025, as follows:

> Art. 103.0025. ALTERNATIVE PAYMENT PROCEDURE FOR CERTAIN PAST DUE FINES AND COSTS. (a) Provides that this article applies to a defendant's past due payment on a judgment for a fine and related court costs if a capias pro fine has been issued in the case.

>> (b) Authorizes the court, notwithstanding any other provision of law, to adopt an alternative procedure for collecting a past due payment described by Subsection

(a). Provides that, under the procedure, a peace officer who executes a capias pro fine or who is authorized to arrest a defendant on other grounds and knows that the defendant owes a past due payment described by Subsection (a):

    (1) is required to inform the defendant of:

        (A) the possibility of making an immediate payment of the fine and related court costs by use of a credit or debit card; and

        (B) the defendant's available alternatives to making an immediate payment; and

    (2) is authorized to accept, on behalf of the court, the defendant's immediate payment of the fine and related court costs by use of a credit or debit card, after which the peace officer may release the defendant as appropriate based on the officer's authority for the arrest.

(c) Authorizes a peace officer accepting a payment under Subsection (b)(2) to also accept payment for fees for the issuance and execution of the capias pro fine.

SECTION 3. Effective date: upon passage or September 1, 2015.