

BILL ANALYSIS

Senate Research Center
86R3506 MAW-D

S.B. 336
By: West
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The idea behind S.B. 336 was presented to us by Dallas County, but we believe that it will help to address issues related to county jail population and associated costs in jurisdictions across the state.

Currently, state law provides for offenders to receive credit for time spent in local jails following arrest and prior to court appearances and for time served in county jails before a sentence that requires incarceration in penal institution.

But there are numerous instances when a person who is in jail or prison also has unpaid fines for lesser offenses, such as traffic violations and other Class C, fine-only misdemeanors. These fines and penalties remain outstanding while the violator is serving time on other offenses. Following their release, offenders return to their communities but are faced with unpaid violations, resulting in warrants being issued for their arrest. Many are unable to pay and are re-arrested. The days spent in jail are an expense to local jurisdictions and ultimately for taxpayers. They also present another obstacle for those who are faced with rebuilding their lives after incarceration.

S.B. 336 would require the courts to dismiss fines or penalties incurred for Class C fine-only offenses when a determination has been made that the offender has served time incarcerated for a more serious offense that took place after the fine-only offense was committed.

As proposed, S.B. 336 amends current law relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.

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 Article 45.041, Code of Criminal Procedure, by amending Subsection (c) and by adding Subsections (c-1) and (c-2), as follows:

(c) Makes no changes to this subsection.

(c-1) Requires the justice or judge, in imposing a fine and costs in a case involving a misdemeanor punishable by a fine, to credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor, in addition to credit under Subsection (c).

(c-2) Creates this subsection from existing text. Requires a credit under Subsection (c) or (c-1) to be applied to the amount of the fine and costs at the rate provided by Article 45.048 (Discharged From Jail).

SECTION 2. Provides that the changes in law made by this Act applies to a defendant who is sentenced for an offense on or after the effective date of this Act, regardless of whether the offense is committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.