

SUBJECT: Establishing a credit based on time in jail toward certain fines and costs

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Vasut

1 nay — Murr

WITNESSES: For — Daron Babcock, Bonton Farms; Charles Reed, Dallas County Commissioners Court; Emily Gerrick, Texas Fair Defense Project; Derek Cohen, Texas Public Policy Foundation; (*Registered, but did not testify:* Lauren Johnson, ACLU of Texas; M Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Justin Keener, for Doug Deason, Americans for Prosperity, and Libre Initiative; Traci Berry, Goodwill Central Texas; Kathy Mitchell, Just Liberty; Amanda List, Texas Appleseed; Lori Henning, Texas Association of Goodwills; Alycia Castillo, Texas Criminal Justice Coalition; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

BACKGROUND: Under Code of Criminal Procedure art. 45.014(e), before a justice of the peace or municipal judge may issue an arrest warrant for a defendant's failure to appear at the initial court setting, the justice or judge must provide a defendant with notice that includes the date and time that the defendant must appear before the judge, the name and address of the court, and information regarding alternatives to payment of any fine or costs owed.

Code of Criminal Procedure art. 45.041 requires a judge or justice to credit a defendant upon discharge for time spent in jail between arrest and sentencing for a fine-only misdemeanor. The credit is applied to the fine and costs associated with the misdemeanor at a rate of \$100 or more for each period served, and a period can not be less than 8 hours or more than 24 hours, as specified by the convicting court in the judgment of the case.

DIGEST: HB 569 would require a justice or judge, when imposing a fine and costs in a case involving a fine-only misdemeanor, to credit a 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. The credit would have to be applied to the amount of the fine and costs at the rate of \$200 for each day of confinement.

Under the bill, the notice required by Code of Criminal Procedure art. 45.041 to be given to a defendant before an arrest warrant can be issued would have to include a statement that the defendant could be entitled to a credit toward any fine or costs owed if the defendant was confined in jail or prison after the commission of the offense for which the notice was given.

The bill would take effect September 1, 2021, and would apply to a defendant who was sentenced on or after that date, regardless of whether the offense was committed before, on, or after that date.

SUPPORTERS SAY: HB 569 would remove financial burdens that formerly incarcerated individuals often face upon discharge by applying a credit for each day spent in jail to certain outstanding traffic tickets and misdemeanors punishable by fine.

Currently, a municipal judge or justice of the peace is required to credit an individual for time served between the time of the individual's arrest and sentencing for a related fine-only misdemeanor at a rate of \$100 or more per period, which is then applied toward fines and costs associated with the offense. HB 569 would add a new category for which justices and judges must apply credit for time served toward fines and costs, requiring credit at a rate of \$200 per day for any time an individual was confined in jail or prison while serving a sentence for a separate offense, as long as the confinement occurred after the offense associated with the outstanding fines and costs was committed. This would ensure consistency across jurisdictions and would reduce outstanding debts for more formerly incarcerated individuals, yielding higher rates of successful reentry.

Upon release from incarceration, many people go home to find out that they have outstanding tickets, fines, and warrants for fine-only misdemeanors, which can preclude the person from securing a driver's license or identification necessary to find employment and pay off their debts. This can lead to formerly incarcerated individuals sometimes driving to work without a license or ID in order to pay off their outstanding debts at the risk of receiving another ticket, which can result in further debt and the possibility of more jail time related to warrants for arrest. This cycle of compiling debt and warrants for arrest related to that debt costs localities time and money and makes successful reintegration into the community for formerly incarcerated individuals extremely difficult.

Currently, jurisdictions across the state implement different practices regarding jail credits for fine-only misdemeanors or tickets due to the absence of specific laws covering this area. Some formerly incarcerated individuals are able to obtain help to navigate the system and address outstanding fines, but others are unable to access helpful resources or are subject to a jurisdiction that may not credit individuals for time served on a sentence. HB 569 would standardize the practice of crediting these formerly incarcerated people for time spent in jail across the state, clearing up confusion on applicable standards for courts and allowing formerly incarcerated individuals to move forward with reentry. Further, consistent application of this credit for time served would reduce outstanding fines and costs, reducing the need for arrest warrants and the resulting jail time associated with unpaid fines, ultimately saving counties money that would otherwise be spent on incarcerating individuals.

CRITICS
SAY:

HB 569 could reduce the revenue associated with various court costs, fines, and fees that are imposed on defendants who would be eligible for jail credit toward those costs under the bill.

Judges and justices currently have discretion when deciding whether to provide credit for jail time served after commission of a fine-only misdemeanor toward the fines and costs associated with that misdemeanor

or ticket. HB 569 would remove this discretion by requiring that a judge provide the jail credit at a rate of \$200 per day for fine-only misdemeanors or tickets.