Texas Office of Court Administration Bench Card Relating to the Collection of Fines and Costs District and County Court Version – Applies to Jailable Offenses

LAWS IMPACTING THE ASSESSMENT AND COLLECTION OF FINES, COURT COSTS, AND FEES IN CRIMINAL CASES.¹

REQUIREMENT FOR ASSESSING ABILITY TO PAY ON THE RECORD DURING OR IMMEDIATELY AFTER SENTENCING (Art. 42.15(a-1))

- During or immediately after imposing a sentence in a case in which the defendant entered a plea in open court, the judge must inquire on the record whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs.
- At the time of the inquiry, the judge must consider the defendant's financial history and other relevant information regarding the defendant's ability to pay.
- If the judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the judge must determine whether the fine and costs should be:
 - required to be paid at some later date or in a specified portion at designated intervals;
 - discharged by performing community service;
 - □ waived in full or part; <u>or</u>
 - □ satisfied through any combination of these methods.

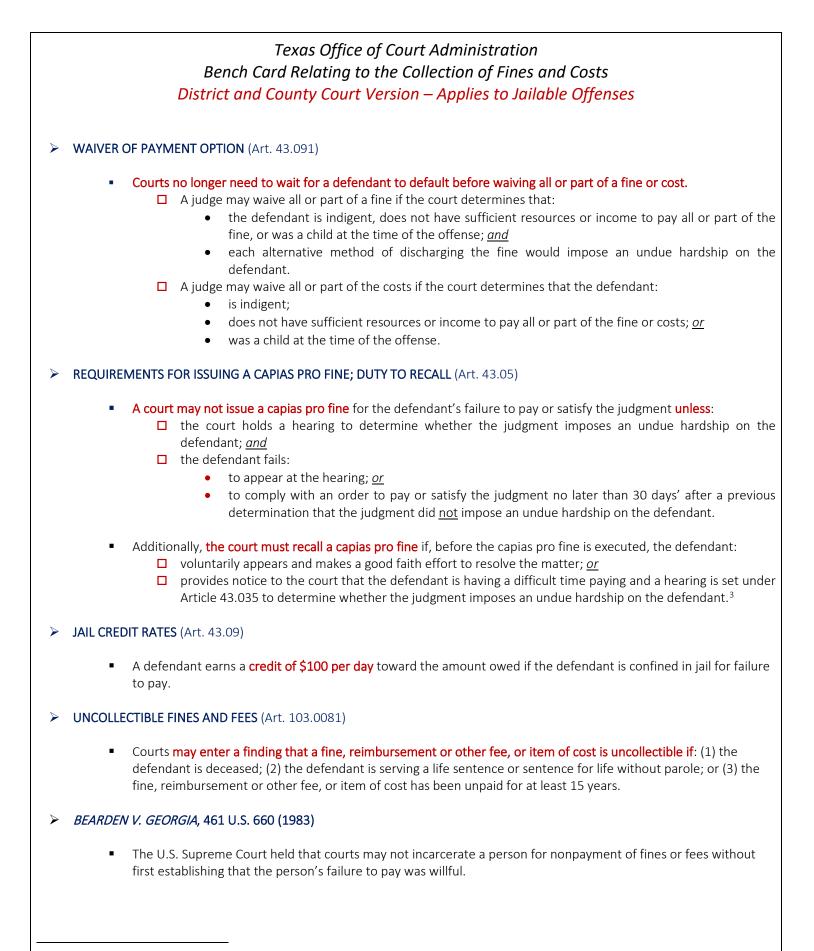
> (NEW) RECONSIDERATION OF THE DEFENDANT'S ABILITY TO PAY AND STANDARDIZED FORM (Art. 42A.655)

- If a defendant placed on community supervision, including deferred adjudication community supervision, files a written statement with the clerk requesting reconsideration of the defendant's ability to pay, the court must reconsider the defendant's financial circumstances and ability to pay, and determine whether the defendant's current circumstances substantially hinder the defendant's ability to pay.
- House Bill 385 (87th Legislature) requires the court or supervision officer to provide a standardized form prepared by the Office of Court Administration of the Judicial Branch of Texas to the defendant promptly on the defendant's request. The defendant may use the form to request reconsideration of the defendant's ability to pay.² The form is available on <u>OCA's website</u>.

REQUIREMENTS AND OPTIONS FOR COMMUNITY SERVICE (Art. 43.09)

- Any order requiring a defendant to perform community service must:
 - □ specify the number of hours to be performed;
 - □ designate which agency will perform the administrative duties associated with the defendant's performance of community service; *and*
 - □ include the date by which a defendant must submit proof of completion of the community service to the court.
- Community service options have been expanded to include not only service provided to a governmental entity or certain nonprofit organizations, but also:
 - attending a work and job skills training program, a preparatory class for the GED, an alcohol or drug abuse program, a rehabilitation program, a counseling program, a mentoring program, or any similar activity; <u>or</u>
 - performing community service for an educational institution or any organization that provides services to the general public that enhances social welfare and the well-being of the community.
- A court may not require a defendant to perform more than 16-hours per week of community service, unless the court determines that additional hours will <u>not</u> impose an undue hardship on the defendant or the defendant's dependents.
- The court must provide a credit of \$100 for every eight hours of community service performed.

¹ Unless noted otherwise, statutory references are to the Texas Code of Criminal Procedure ² Article 42A.655(h)



³ The defendant may notify the court by voluntarily appearing and informing the court or clerk, by filing a motion, by mailing a letter, or by any other method established by the court. Arts. 43.05(a-4), 43.035(b)