

BILL ANALYSIS

H.B. 2724
By: Rose
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that while community supervision is generally a cost-effective way of promoting rehabilitation in Texas, community supervision fees can impose onerous costs on defendants and can lead to the state having to spend an inordinate amount of time collecting fees from people with little ability to pay. H.B. 2724 seeks to address this issue by providing for the waiver or modification of certain fees, fines, and costs imposed on certain defendants.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2724 amends the Government Code to require the community justice assistance division of the Texas Department of Criminal Justice, not later than January 1, 2018, to adopt a fee schedule applicable to the amount of a fee that is set by a judge who grants community supervision to a defendant, set by a court that authorizes a defendant to participate in a pretrial intervention program, or assessed by a community supervision and corrections department for an individual who participates in a program operated by the department or receives services from the department and who is not paying a monthly fee for a defendant granted community supervision by a judge. The bill requires the fee schedule to establish the monthly fee to be paid by the applicable person and to calculate the fee based on the person's income, family size, regular living expenses, and other relevant factors that vary based on the person. The bill requires the division to update the fee schedule as the division considers necessary to reflect changes attributable to inflation and other relevant factors.

H.B. 2724 amends the Code of Criminal Procedure to establish that each hour that a defendant required to perform community service spends participating in a rehabilitative, educational, or vocational program satisfies one hour of required community service if the judge determines that the defendant's participation in the program tends to mitigate a risk factor identified by a risk and needs assessment of the defendant. The bill requires the judge, if a defendant is unable to pay community supervision fees, fines, or court costs or the costs of certain legal services as ordered, to allow the defendant to discharge all or part of the fees, fines, or costs by performing community service at the rate of \$100 of fines or costs for each eight hours of community service performed. The bill specifies that a defendant allowed to perform community service is not a state employee for purposes of certain Labor Code provisions relating to workers' compensation insurance for certain government employees.

H.B. 2724 authorizes a judge who grants community supervision to a defendant or the judge of the court accepting a transfer of jurisdiction of a defendant's case to adjust the required monthly fee as necessary based on changes to any of the factors included in the fee schedule used in the setting of the initial fee. The bill prohibits a court from revoking a defendant's community supervision or extending a defendant's period of community supervision based solely on the defendant's failure to pay community supervision fees, fines, or court costs or costs of certain legal services unless the court determines that the defendant was able to pay and did not pay as ordered or the defendant is unable to pay and could have discharged the amount by performing community service without experiencing any undue hardship but failed to make a good faith effort to do so.

H.B. 2724 replaces the authorization for a court to waive payment of a cost imposed on a defendant who defaults in payment if the court determines that the defendant is indigent or was, at the time the offense was committed, a child and determines that each alternative method of discharging the fine or cost would impose an undue hardship on the defendant with the requirement for the court to waive payment of costs imposed on a defendant if the court makes such a determination. The bill makes this requirement applicable to a criminal proceeding that commences before, on, or after the bill's effective date. The following bill provisions apply to a person on community supervision on or after the bill's effective date, regardless of whether the person was placed on community supervision before, on, or after the bill's effective date: the authorization for a judge to allow a defendant to discharge certain fees by performing community service; the satisfaction of community service through participation in a rehabilitative, educational, or vocational program; and the prohibition against the revocation of a defendant's community supervision, or extension of a defendant's period of community supervision, based on the defendant's failure to pay certain fees, fines, or costs.

EFFECTIVE DATE

September 1, 2017.