

SUBJECT: Extending time for incarcerated persons to pay fines

COMMITTEE: Corrections — committee substitute recommended

VOTE: 9 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Murr, Sherman, Swanson, Toth

0 nays

WITNESSES: For — Kaden Norton, Prison Fellowship Ministries; Akanksha Balekai, Texas Appleseed; Sarah Mae Jennings, Texas Fair Defense Project; Cole Meyer (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Jennifer Toon, Lioness Justice Impacted Women’s Alliance; Maggie Luna, Statewide Leadership Council; Marcu Simmons, Statewide Leadership Council, Lioness: Justice Impacted Women’s Alliance; Justin Martinez, Texas Center for Justice and Equity; Amite Dominick, Texas Prisons Community Advocates; Manya Blaisdell; Eve Margolis; Grace Pankl)

Against — None

On — (*Registered, but did not testify*: Ron Steffa, TDCJ)

BACKGROUND: Some have suggested that giving incarcerated individuals more time to pay certain financial obligations would help these individuals achieve financial stability.

DIGEST: CSHB 2646 would establish that a person sentenced to imprisonment in the Texas Department of Criminal Justice (TDCJ) would not be required to pay for fines or court costs owed to the state during their term of imprisonment, including while the person was confined in a county jail awaiting transfer to TDCJ. A person also would not be required to pay fines before the 181st day after the person's release either following completion of the person's sentence or on parole or to mandatory supervision.

Within 30 days of the person's release, the person would need to contact the clerk of the court in each jurisdiction where the person owed fines and enter into a payment plan with the clerk.

The bill would specify that a judgement must reflect the inmate's right under the bill to defer payment of certain fines and court costs owed to the state. The bill would not apply to amounts owed for restitution or to amounts owed for supervision fees assessed as a condition of release.

The bill would take effect September 1, 2023, and would apply only to a defendant who was sentenced for an offense on or after that date, regardless of whether the offense was committed before, on, or after that date.

NOTES:

According to the Legislative Budget Board, the fiscal implications of CSHB 2646 could not be determined due to a lack of data related to the number of incarcerated individuals and the associated rate of court cost and fine collections for these individuals.

The bill would have a negative but indeterminate revenue impact because delaying the required payment of court costs and fines could potentially postpone receipts and collection of those revenues.