

CHAPTER 347

H.B. No. 631

AN ACT

relating to the manner of discharge of a fine by certain defendants by confinement in a jail.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 43.09, Code of Criminal Procedure, is amended to read as follows:

Art. 43.09. FINE DISCHARGED. (a) When a defendant is convicted of a misdemeanor and his punishment is assessed at a pecuniary fine, if he is unable to pay the fine and costs adjudged against him, he may for such time as will satisfy the judgment be put to work in the workhouse, or on the county farm, or public improvements of the county, as provided in the succeeding Article; or if there be no such workhouse, farm or improvements, he shall be imprisoned in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against him; rating such labor or imprisonment at \$45 [~~fifteen dollars~~] for each day thereof; provided, however, that the defendant may pay the pecuniary fine assessed against him at any time while he is serving at work in the workhouse, or on the county farm, or on the public improvements of the county, or while he is serving his jail sentence, and in such instances he shall be entitled to a credit of \$45 [~~fifteen dollars~~] for each day or fraction of a day that he has served and he shall only be required to pay his balance of the pecuniary fine assessed against him.

(b) *In its discretion, the court may order that for each day's confinement served by a defendant under this Article, the defendant receive credit toward payment of the pecuniary fine and credit toward payment of costs adjudged against the defendant. Additionally, the court may order that the defendant receive credit under this Article for each day's confinement served by the defendant as punishment for the offense.*

(c) *In its discretion, the court may order that a defendant serving concurrent, but not consecutive, sentences for two or more misdemeanors may, for each day served, receive credit toward the satisfaction of costs and fines imposed for each separate offense.*

(d) *Notwithstanding any other provision of this Act, in its discretion, the court or the sheriff of the county may grant an additional two days credit for each day served*

*to any inmate participating in an approved county work program, rehabilitation program, restitution program, or education program.*

SECTION 2. The change in law made by this Act applies only to the daily rate of a fine and the manner in which a fine is discharged by labor or imprisonment of a defendant sentenced on or after the effective date of this Act. A defendant sentenced before the effective date of this Act is covered by the law as it existed on the date that the defendant was sentenced, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 631 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by a viva-voce vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.