

WAIVER OF PAYMENT OF FINE AND COSTS FOR INDIGENT DEFENDANTS AND CHILDREN (Art. 45.0491, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER

On the ____ day of _____, 20____, came to be heard Cause Number _____ wherein _____, hereinafter called Defendant, was convicted of a misdemeanor offense to wit: _____ on the ____ day of _____, 20____ and ordered to pay fine and costs in the amount of \$_____.

The Defendant has defaulted on payment of the fine and costs. After due consideration of the facts and circumstances regarding the Defendant’s default in the aforementioned judgment in which the Defendant was ordered to pay a fine and costs of \$_____, the Court determines as follows:

1. The Defendant is indigent or was, at the time of the offense committed, a child as defined by Article 45.058, Code of Criminal Procedure; and
2. Each alternative method of discharging the fine or costs under Article 45.049, Code of Criminal Procedure or otherwise authorized by Chapter 45, would impose an undue hardship on the Defendant.

Accordingly, pursuant to Article 45.0491, Code of Criminal Procedure, the Court waives the stated fine and costs for Defendant.

ORDERED, ADJUDGED, AND DECREED.

Entered this ____ day of _____, 20____.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

Editor’s Note: The 83rd Legislature amended Art. 45.0491, C.C.P., providing more leeway to criminal judges in dealing with fines imposed on children. If the facts and circumstances warrant it, judges now have the discretion to waive fines and court costs accrued by defendants during childhood if the performance of community service under Article 45.049 or Article 45.0492 or the discharge of fine and costs through tutoring permitted under Article 45.0492 would be an undue hardship.