

District Clerks' Felony Conviction Court Cost Chart – 01/01/2018		A	B	C	D	E	F	G	H	I	J
Always Charge Cost Nos. 1 thru 12 upon conviction (including deferred adjudication).											
1	Consolidated Court Cost – LGC, § 133.102	133	133	133	133	133	133	133	133	133	133
2	Emergency Medical Services (EMS), Trauma Facilities and Trauma Care Systems Cost – CCP, art. 102.0185	100	100	0	0	0	0	0	0	0	0
3	Child Abuse Prevention Fund Cost – CCP, art. 102.0186	0	0	100	100	0	0	0	0	0	0
4	Drug Court Cost – CCP, art. 102.0178	60	60	0	0	60	0	0	0	0	0
5	Juvenile Delinquency Prevention Fee – CCP, art. 102.0171(a)	0	0	0	0	0	50	0	0	0	0
6	Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40	40
7	State Traffic Fine – Transportation Code, § 542.4031	0	0	0	0	0	0	30	0	0	0
8	Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25	25
9	Judicial Support Fee – LGC, § 133.105(a)	6	6	6	6	6	6	6	6	6	6
10	Court Security Fee – CCP, art. 102.017(a)	5	5	5	5	5	5	5	5	5	5
11	County and District Court Technology Fund Fee – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4	4
12	Indigent Defense Fee – LGC, § 133.107	2	2	2	2	2	2	2	2	2	2
TOTAL COSTS ALWAYS CHARGED UPON CONVICTION (INCLUDING DEFERRED ADJUDICATION)		375	375	315	315	275	265	245	215	215	215
DNA Testing Court Cost No. 1 or 2 is charged upon conviction (including deferred adjudication) if the court does not waive the cost because the defendant is indigent and unable to pay.											
13	DNA Testing Court Cost No. 1 – CCP, art. 102.020(a)(1)	0	0	250	0	0	0	0	250	0	0
14	DNA Testing Court Cost No. 2 – CCP, art. 102.020(a)(2)	0	0	0	0	0	0	0	0	50	0
Cost Nos 15 thru 26 are charged upon conviction (including deferred adjudication) if the applicable service was performed by a peace officer.											
15	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine CPF – CCP, art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50
16	Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35
17	Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10
18	Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10	10
19	Arrest without Warrant or Issue Notice to Appear – CCP, art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5
20	Summon Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5
21	Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
22	Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
23	Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5
24	Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x
25	Meals/Lodging Expenses for certain Conveyances and Travel – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x
26	Overtime Costs for Testifying at Trial – CCP, art. 102.011(i)	x	x	x	x	x	x	x	x	x	x
27	Jury Fee – CCP, Art. 102.004 Charged upon conviction by jury only.	40	40	40	40	40	40	40	40	40	40
28	DNA Testing Court Cost No. 3, – CCP, art. 102.020(a)(3) Charged upon conviction (including deferred adjudication) of a felony, only if the defendant: (1) has been placed on community supervision and ordered to provide a DNA sample as a condition of that community supervision; and (2) has not already provided a DNA sample under other state law. The court may waive the cost if the court finds that the defendant is indigent and unable to pay. Also do not charge this cost, if DNA Testing Court Cost No. 1 or 2 has already been or will be charged.	34	34	0	34	34	34	34	0	0	34
29	Juror Reimbursement Fee – CCP, art. 102.0045 Charged upon conviction. The statute does not indicate that “conviction” includes deferred adjudication. This fee applies whether or not there was a jury trial.	4	4	4	4	4	4	4	4	4	4
30	Visual Recording Cost – CCP, Art. 102.018(a) Charged upon conviction (including deferred adjudication) if a law enforcement agency used an electronic device to visually record the defendant.	15	0	0	0	0	0	0	0	0	0
31	Restitution Installment Fee – CCP, art. 42.037(g) Charged upon conviction if the court ordered installments. The statute does not indicate that “conviction” includes deferred adjudication.	12	12	12	12	12	12	12	12	12	12
32	Statewide E-Filing Fee – Gov't Code, § 51.851(d) Charged upon conviction (including deferred adjudication) if the court did not waive the fee because the defendant is indigent.	5	5	5	5	5	5	5	5	5	5

NOTE: When “X” appears on the chart this indicates that the amount must be calculated as provided in the statute.

The following costs are charged upon conviction in appropriate circumstances:

(33) Transaction Fee – CCP, art. 102.072 – not to exceed \$2.00

This optional fee may be charged on each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.

(34) Time Payment Fee – LGC, § 133.103 -- \$25.00

This fee is required whenever a person convicted of an offense pays any part of a fine, court costs, or restitution on or after the 31st day after judgment entered assessing the fine, court costs, or restitution. For this fee, “convicted” includes deferred adjudication.

(35) Administrative Fee (Omni Fee) – Transportation Code, § 706.006(b) -- \$30.00

This fee is required if a person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders, but only if the court does not make a finding that the person is indigent.

NOTE: A person is presumed to be indigent if the person: (1) is required to attend school full time under Section [25.085](#), Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter [31](#), Human Resources Code; (B) the medical assistance program under Chapter [32](#), Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter [33](#), Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter [62](#), Health and Safety Code. See Transportation Code § 706.006(d).

Detailed Description of Offenses in each Felony Category on Chart

- A** Driving While Intoxicated (DWI) – Penal Code, § 49.04
- B** Felony Intoxication Offense– Penal Code, §§ 49.045 - 49.09
- C**
- 1) Continuous Sexual Abuse of Young Child or Children – Penal Code, § 21.02
 - 2) Indecency with a Child – Penal Code, § 21.11
 - 3) Sexual Assault of a Child – Penal Code, § 22.011(a)(2)
 - 4) Aggravated Sexual Assault of a Child – Penal Code, § 22.021(a)(1)(B)
 - 5) Sexual Performance by a Child – Penal Code, § 43.25
 - 6) Possession or Promotion of Child Pornography – Penal Code, § 43.26
- D** Employment Harmful to Children – Penal Code, § 43.251
- E** Felony Drug Offense – Health & Safety Code, Ch. 481
- F** Felony Graffiti Offense – Penal Code, § 28.08
- G**
- Passing a School Bus if enhanced to a felony – Transportation Code, § 545.066(c)(2)
Counterfeit Airbag or Misrepresentation of Airbag Installation – Transportation Code, § 547.614
Failure of a Motor Vehicle Operator to stop or remain at the scene of an accident involving death or injury – Transportation Code, § 550.021
- H**
- 1) Aggravated Kidnapping with intent to commit bodily injury or to violate or abuse sexually – Penal Code, § 20.04(a)(4)
 - 2) Continuous Trafficking of Persons – Penal Code, § 20A.03
 - 3) Continuous Sexual Abuse of Young Child or Children, Penal Code, § 21.02
 - 4) Indecency with a Child – Penal Code, § 21.11
 - 5) Sexual Assault or Aggravated Sexual Assault other than sexual assault of a child – Penal Code, §§ 22.011, 22.021
 - 6) Sexual Performance by a Child – Penal Code, § 43.25
 - 7) Possession or Promotion of Child Pornography – Penal Code, § 43.26
 - 8) Prohibited Sexual Contact – Penal Code, § 25.02
 - 9) Burglary of Habitation with intent/attempt to commit or commission of a felony other than felony theft – Penal Code, § 30.02(d)
 - 10) Compelling Prostitution – Penal Code, § 43.05
- I**
- 1) Murder – Penal Code, § 19.02
 - 2) Capital Murder – Penal Code, § 19.03
 - 3) Manslaughter – Penal Code, § 19.04
 - 4) Criminally Negligent Homicide – Penal Code, § 19.05
 - 5) Unlawful Restraint – Penal Code, § 20.02 (but not as a Class A misdemeanor, if reduced)
 - 6) Kidnapping – Penal Code, § 20.03
 - 7) Aggravated Kidnapping– Penal Code, § 20.04 (but not aggravated kidnapping with intent to inflict bodily injury or to violate or abuse sexually - under § 20.04 (a)(4))
 - 8) Smuggling of Persons – Penal Code, § 20.05
 - 9) Continuous Smuggling of Persons – Penal Code, § 20.06
 - 10) Trafficking of Persons – Penal Code, § 20A.02
 - 11) Indecent Exposure – Penal Code, § 21.08 (even if reduced to a Class B misdemeanor)
 - 12) Bestiality – Penal Code, § 21.09
 - 13) Improper Relationship between Educator and Student – Penal Code, § 21.12
 - 14) Invasive Visual Recording – Penal Code, § 21.15
 - 15) Unlawful Disclosure or Promotion of Intimate Visual Material – Penal Code, § 21.16
 - 16) Voyeurism – Penal Code, § 21.17 (but not as a Class B or C misdemeanor, if reduced)
 - 17) Sexual Coercion – Penal Code, § 21.18
 - 18) Assault – Penal Code, § 22.01 (but not as a Class A misdemeanor, if reduced)
 - 19) Aggravated Assault – Penal Code, § 22.02
 - 20) Injury to a Child, Elderly Individual, or Disabled Individual – Penal Code, § 22.04
 - 21) Abandoning or Endangering Child – Penal Code, § 22.041
 - 22) Deadly Conduct – Penal Code, § 22.05 (but not as a Class A misdemeanor, if reduced)
 - 23) Terroristic Threat – Penal Code, § 22.07 (but not as a Class B misdemeanor, if reduced)
 - 24) Aiding Suicide – Penal Code, § 22.08 (but not as a Class C misdemeanor, if reduced)

- 25) Tampering with Consumer Product – Penal Code, § 22.09
- 26) Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant – Penal Code, § 22.11
- 27) Enticing a Child – Penal Code, § 25.04 (even if reduced to a Class B misdemeanor)
- 28) Prostitution – Penal Code, § 43.02(b) (but only if the defendant knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct w/ that person or another) (cost applies even if reduced to a Class B misdemeanor)
- 29) Promotion of Prostitution – Penal Code, § 43.03
- 30) Sale, Distribution, or Display of Harmful Material to Minor – Penal Code, § 43.24

J All Felonies not in one of the foregoing categories

Court Cost and Fee Destinations

- (1) Generally, 90% to the State and 10% to the County as a collection fee to be deposited in the County General Fund. However, a county may be able to retain an additional \$22.50 if the county maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by DPS and the conviction was an offense under Chapter 49, Penal Code, other than an offense that is a Class C misdemeanor (See Art. 102.016(b), CCP). The State money goes to 12 destinations as follows: (1) ~~abused children's counseling [0.0088%]~~; (2) crime stoppers assistance [0.2581%]; (3) breath alcohol testing [0.5507%]; (4) Bill Blackwood Law Enforcement Management Institute [2.1683%]; (5) law enforcement officers standards and education [5.0034%]; (6) ~~comprehensive rehabilitation [9.8248%]~~; (7) law enforcement and custodial officer supplemental retirement fund [11.1426%]; (8) criminal justice planning [12.5537%]; (9) Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University [1.2090%]; (10) compensation to victims of crime fund [37.6338%]; (11) emergency radio infrastructure account [5.5904%]; (12) judicial and court personnel training fund [4.8362%]; (13) Correctional Management Institute of Texas and Criminal Justice Center Account [1.2090%]; and (14) fair defense account [8.0143%17.8448%]. If a county is entitled to retain the additional \$22.50, it must be used to defray the costs of maintaining and supporting a certified breath alcohol testing program.
- (2) 90% to State account funding emergency medical services, trauma facilities, and trauma care systems; 10% as a collection fee to the County.
- (3) 100% to the County for deposit in the County Child Abuse Prevention Fund. The money in the fund can only be used for child abuse prevention programs in the County.
- (4) In counties with drug court programs: (1) 50% to the County to develop and maintain County drug court programs; (2) 40% to the State to the Drug Court Account in the State General Revenue Fund to help fund drug court programs established under Chapters 122 – 125, Government Code; and (3) 10% as a service fee to the County General Fund. In counties with no drug court programs, 10% is retained by the County as a service fee and 90% is directed to the State Drug Court Account as mentioned above.
- (5) 100% to the County Juvenile Delinquency Prevention Fund to: (1) repair graffiti damage; (2) provide educational and intervention programs and materials designed to prevent persons from committing graffiti offenses; (3) provide rewards for aiding in the apprehension and prosecution of graffiti offenders; (4) fund teen recognition and recreation programs; (5) fund teen courts; (6) fund local juvenile probation departments; and (7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct.
- (6) 100% to the County.
- (7) 5% to the County as a service fee for collection and 95% to the State. The money is directed to the State as follows: (1) 67% to the credit of the undedicated portion of the General Revenue Fund; and (2) 33% to the credit of the designated trauma and emergency medical services account under Section 780.003, Health & Safety Code.
- (8) 100% to the County. \$22.50 to the County Records Management and Preservation Fund. \$2.50 to the records management and preservation fund of the clerk of the court.
- (9) \$0.60 goes to the County General Fund “to promote the efficient operation of the . . . county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts.” \$5.40 goes to the State Judicial Fund for court-related purposes for support of the judicial branch of the State, for child support and court management as provided by § 21.007, Government Code, and for basic civil legal services to the indigent as provided by § 51.943, Government Code.
- (10) 100% stays with the County and is deposited into the Courthouse Security Fund.
- (11) 100% of the money is deposited in the County and District Court Technology Fund for: (1) the cost of continuing education and training for county and district court judges and clerks regarding technological enhancements for those courts; and (2) the purchase and maintenance of technological enhancements for district courts and county-level courts, including: (a) computer systems; (b) computer networks; (c) computer hardware; (d) computer software; (e) imaging systems; (f) electronic kiosks; and (g) docket management systems.
- (12) 90% to the State “Fair Defense Account” to fund indigent defense; 10% goes to the County as a collection fee.
- (13) 90% to the State; 10% as a collection fee to the County. The State money is to be directed as follows: 65% to the Criminal Justice Planning Account in the General Revenue Fund and 35% to the State Highway Fund.
- (14) 90% to the State; 10% as a collection fee to the County. The State money goes to DPS to help defray the cost of collecting or analyzing DNA samples provided by defendants who are required to pay this court cost.
- (15) The money is directed to: (1) the law enforcement agency that executed the arrest warrant, *capias*, or *capias pro fine*, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant, *capias*, or *capias pro fine*, the imposition of the fee on conviction; or (2) the law enforcement agency that processed the arrest warrant, *capias*, or *capias pro fine*, if: (a) the arrest warrant, *capias*, or *capias pro fine* was not executed; or (b) the executing law enforcement agency failed to timely request the fee.
- (16) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (17) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.

- (18) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (19) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (20) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (21) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (22) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (23) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (24) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (25) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (26) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (27) 100% of the money stays with the County.
- (28) 90% to the State; 10% as a collection fee to the County. The State money goes to DPS to help defray the cost of collecting or analyzing DNA samples provided by defendants who are required to pay this court cost.
- (29) 90% to the State Jury Service Fund to reimburse counties for juror costs; 10% as a collection fee to the County.
- (30) 100% of the money stays with the County.
- (31) 50% of the money (\$6.00) goes to the State's Compensation to Victims of Crime Fund. The other 50% of the money (\$6.00) is to be retained by the court "for costs incurred in collecting the specified installments."
- (32) 100% to the State for deposit "to the credit of the statewide electronic filing system fund established under [Gov't Code] Section 51.852."
- (33) 100% of the money stay with the County.
- (34) 50% of the money (\$12.50) is sent to the State and the other 50% (\$12.50) is retained by the County. The money directed to the State is to be deposited in the State's General Fund. As for the 50% of the money retained by the County, 80% (\$10.00) goes to the County for unspecified purposes. The remaining 20% (\$2.50) is to be used "for the purpose of improving the efficiency of the administration of justice in the county." The County is required to "prioritize the needs of the judicial officer who collected the fees when making expenditures . . . and use the money deposited to provide for those needs."
- (35) \$20 is directed to the State while \$10 is retained by the County. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State's General Fund. There is no stated purpose for this \$10 amount. Of the \$10 retained by the County, it should be deposited in the general fund. There is no stated purpose for its use. See Transp. Code § 706.007.

CONSTITUTIONAL CHALLENGES TO COURT COST AND FEE DESTINATIONS (This is not an exhaustive list. There could be other cases.)

New Test Used to Establish the Constitutionality of a Criminal Court Cost or Fee

In *Peraza v. State*, 467 S.W.3d 508 (Tex. Crim. App. 2015), the CCA established a new test for determining the constitutionality of a criminal court cost. In *Peraza*, CCA said a cost is constitutional if the statute creating the cost directs the cost to be expended for criminal justice purposes. *Id.* at 517. CCA defined a “criminal justice purpose” to be “one that relates to the administration of our criminal justice system.” *Id.* The Court later used this test to find allocations of funds from the consolidated court cost to the abused children’s counseling and comprehensive rehabilitation accounts facially unconstitutional as a violation of the Separation of Powers Clause. See *Salinas v. State*, 523 S.W.3d 103, 106 (Tex. Crim. App. 2017). Following the Court’s decision in *Salinas*, the Legislature subsequently amended the relevant statute (LGC § 133.102) to fix the constitutional infirmity. Consequently, courts may still charge the consolidated court cost.

Other Constitutional Challenges to Criminal Court Costs and Fees – *If your court is in the jurisdiction of a court of appeals that has issued an opinion on the issue, this opinion may be binding on your court. You should discuss the matter with the attorney for your county. Also, you should check with your attorney to see whether an opinion is final.*

Peace Officer Fee – Summoning a Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)

The First Court of Appeals declared this fee facially unconstitutional. *Allen v. State*, No. 01-16-00768-CR, 2017 Tex. App. LEXIS 11015 (Tex. App.—Houston [1st Dist.] Nov. 28, 2017, no pet. h.) (motion for en banc reconsideration pending)

Peace Officer Fee - Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)

The First Court of Appeals declared this fee facially unconstitutional. *Allen v. State*, No. 01-16-00768-CR, 2017 Tex. App. LEXIS 11015 (Tex. App.—Houston [1st Dist.] Nov. 28, 2017, no pet. h.) (motion for en banc reconsideration pending)

Prosecutor’s Fee - CCP, art. 102.008(a)

The First Court of Appeals declared this fee facially unconstitutional. *Hernandez v. State*, No. 01-16-00755-CR, 2017 Tex. App. LEXIS 7612 (Tex. App.—Houston [1st Dist.] August 10, 2017, no pet. h.) (motion for rehearing pending)

Jury Fee - CCP, art. 102.004(a)

The First Court of Appeals declared this fee facially unconstitutional. *Johnson v. State*, No. 14-16-00658-CR, 2018 Tex. App. LEXIS 2136 (Tex. App. Tex. App.—Houston [14th Dist.] March 27, 2018, no pet. h.)

EMS Trauma Cost - CCP, art. 102.0185

The Second and Sixth Courts of Appeals declared this fee facially unconstitutional. *Casas v. State*, 524 S.W.3d 921 (Tex. App.—Fort Worth 2017); *Robison v. State*, No. 06-17-00082-CR, 2017 Tex. App. LEXIS 9713 (Tex. App.—Texarkana October 10, 2017)

WAIVER OF PAYMENT OPTION (Art. 43.091, CCP)

- Courts may waive all or part of a fine or costs and must no longer wait for a defendant to default.** A court may waive payment of all or part of a fine or costs imposed by law if the court determines that: (1) the defendant is indigent *or* does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child; and (2) each alternative method of discharging the fine or cost would impose an undue hardship on the defendant.