

BILL ANALYSIS

H.B. 736
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the collection of certain court fees and costs from defendants, especially those who are either deceased or serving life sentences, often outweighs the value of the fees and costs to a county. H.B. 736 seeks to address this issue by providing for the ability to designate these fees and costs as uncollectible in fee records.

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. 736 amends the Code of Criminal Procedure to authorize any officer who is authorized to collect a fee or item of cost to request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes the defendant is deceased, the defendant is serving a sentence for imprisonment for life or life without parole, or the fee has been unpaid for at least 10 years. The bill authorizes a court, on such a finding, to order the officer to designate the fee or item of cost as uncollectible in the fee record and requires the officer to attach a copy of the court's order to the fee record.

H.B. 736 amends the Government Code to authorize a court clerk to request the court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 20 years. The bill authorizes a court, on such a finding, to order the clerk to designate the cost or fee as uncollectible in the fee record and requires the clerk to attach a copy of the court's order to the fee record. The bill excludes a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals from these provisions.

EFFECTIVE DATE

September 1, 2017.