

BILL ANALYSIS

H.B. 1021
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that, despite Texas' constitutional guarantees of remedy by due course of law, the assessment of court costs against indigent persons may be a continuing practice. H.B. 1021 seeks to remedy this situation by explicitly requiring a judge in a civil or criminal proceeding who finds that a defendant or plaintiff is indigent to waive all court costs and all filing fees and other fees imposed by law.

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. 1021 amends the Government Code to require a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court who finds that the defendant or plaintiff in a civil or criminal proceeding before the court is an individual whose household income is at or below 125 percent of the federal poverty guidelines to waive all court costs, including costs on conviction, and all filing fees and other fees imposed by law on that defendant or plaintiff. This requirement does not apply to a proceeding filed by the attorney general's office for an individual to whom the office is providing Title IV-D services.

EFFECTIVE DATE

September 1, 2019.