

SUBJECT: Courts declaring fees, costs imposed on criminal defendants uncollectible

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Herrero, Moody, Canales, Hunter, Shaheen, Simpson

0 nays

1 absent — Leach

WITNESSES: For — (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; Cheryl Williams, Collin County Commissioners Court; Craig Pardue, Dallas County; Mark Mendez, Tarrant County Commissioners Court; Donald Lee, Texas Conference of Urban Counties; Patricia Cummings, Texas Criminal Defense Lawyers Association; Rebecca Bernhardt, Texas Fair Defense Project)

Against — None

BACKGROUND: Code of Criminal Procedure, ch. 103 governs the collection and recordkeeping of court costs and fees.

DIGEST: HB 1181 would establish a process for courts to declare as uncollectable the fees and costs imposed on certain criminal defendants.

The bill would allow any officer authorized to collect a fee or cost under Code of Criminal Procedure, ch. 103 to request that trial courts in which criminal actions or proceedings were held make a finding that a fee or cost imposed on someone was uncollectible if certain conditions were met. The finding could be made if a defendant was deceased, the defendant was serving a term of life in prison without parole, or the fee had been unpaid for at least 10 years. Upon such a finding, a court could order the officer to designate the fee or cost as uncollectible.

The bill would take effect September 1, 2015.