

BILL ANALYSIS

Senate Research Center

S.B. 413
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties routinely collect unpaid fines, fees, or court costs as allowed by rulings in that county's trial courts. In many cases, court-ordered fees are collected expediently. Defendants who are deceased or serving a life-long prison sentence, however, cannot pay these fees. A recent report by Collin County revealed substantial quantities of uncollectible fees over the past five years, and interested parties contend that the costs of collecting these fees outweighs the fees' value to the county. The parties further contend that the county should have the authority to remove these uncollectible fees from their record books.

S.B. 413 allows district and county attorneys, district and county court clerks, sheriff, constables, and justices of the peace in Collin County to request, from the trial court that heard the criminal case and assessed the fee, that the fee be deemed uncollectible. S.B. 413 provides that a fee is uncollectible if the officer believes the defendant is deceased, serving a life sentence or life without parole, or the fee has been unpaid for at least 15 years. The bill further provides that the officer shall attach a copy of the court's order to the fee record. These changes allow the county to cease wasteful collection efforts and better represent their fee record.

S.B. 413 amends current law relating to the maintenance of information entered into a fee record in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 103, Code of Criminal Procedure, by adding Article 103.0081, as follows:

Art. 103.0081. UNCOLLECTIBLE FEES. (a) Authorizes any officer authorized by this chapter 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 15 years.

(b) Authorizes the court, upon a finding that any described condition is true, to order the officer to designate the fee or item of cost as uncollectible in the fee record. Requires the officer to attach a copy of the court's order to the fee record.

(c) Provides that this article applies only to a county with a population of more than 780,000, but less than 790,000.

SECTION 2. Effective date: September 1, 2017.