

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 435
By: Shaheen et al. (Zaffirini)
Administration
5/2/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties routinely collect unpaid fees as allowed by rulings in those counties' trial courts. In many cases, court-ordered fees are collected expediently. When defendants are deceased or serving a lifelong prison sentence, for instance, these fees are unlikely to be collected by the county. The costs of maintaining these unpaid fees in the county's collection system for years, or attempting to recover them, outweigh their value. Accordingly, in 2017, S.B. 413 allowed district and county attorneys, district and county clerks, sheriffs, constables, and justices of the peace in Collin County to request that an unpaid fee be deemed uncollectable if the defendant is deceased, serving a life sentence or life without parole, or the fee has been unpaid for at least 15 years. Generally, H.B. 435 would expand this provision statewide to allow all counties to cease wasteful efforts. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 435 amends current law relating to the maintenance of information entered into a fee record.

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 Subchapter G, Chapter 51, Government Code, by adding Section 51.609, as follows:

Sec. 51.609. UNCOLLECTIBLE FEES. (a) Authorizes the 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 15 years.

(b) Authorizes a court, on a finding by the court that a court cost or fee imposed on a party in a civil case is uncollectible, to order the clerk to designate the cost or fee as uncollectible in the fee record. Requires the clerk to attach a copy of the court's order to the fee record.

(c) Provides that this section does not apply to a court cost or fee imposed by the Supreme Court of Texas, the Texas Court of Criminal Appeals, or a court of appeals.

SECTION 2. Repealer: Article 103.0081(c) (relating to providing that this article (Uncollectible Fees) applies only to a county with a population of more than 780,000 but less than 790,000), Code of Criminal Procedure.

SECTION 3. Effective date: September 1, 2019.