

BILL ANALYSIS

Senate Research Center
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S.B. 1774
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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. 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. 1774 expands to a statewide application permissive processes currently ascribed only to Collin County, through passage into law of S.B. 413 (85R) by Van Taylor. S.B. 1774 allows a county to discontinue certain fee collection efforts under specific circumstances and better keep their fee record.

S.B. 1774 allows any district and county attorneys, district and county court clerks, sheriffs, constables, and justices of the peace to request, from the trial court that heard the criminal case and assessed a fee, that the fee be deemed uncollectible. It 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.

As proposed, S.B. 1774 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 Chapter 103, Code of Criminal Procedure, by adding Article 103.0081 to delete existing Subsection (c), specifying that this article (Uncollectible Fees) applies only to a county with a population of more than 780,000 but less than 790,000.

SECTION 2. Effective date: upon passage or September 1, 2019.