

BILL ANALYSIS

Senate Research Center
87R16593 MEW-F

H.B. 3986
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

An officer responsible for collecting a fee or cost may request a trial court in which a criminal case or proceeding was held to make a finding that the fee or cost imposed in the case or proceeding is uncollectible under certain circumstances. However, this does not include fines that fall under the same circumstances. H.B. 3986 seeks to include fines in the list of court-related costs that can be declared uncollectible.

H.B. 3986 would authorize an applicable officer to request the trial court in which a criminal action or proceeding was held to make a finding that the fine 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 fine has been unpaid for at least 15 years. The bill clarifies that an item of cost may be found uncollectible if the officer believes it has been unpaid for at least 15 years. The bill authorizes the applicable court that makes such a finding to order the officer to designate the fine as uncollectible in the fee record. The bill authorizes the clerk of a municipal court to collect money payable to the court.

H.B. 3986 amends current law relating to the collection of fines, fees, and court costs in criminal actions and proceedings.

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 Article 103.003, Code of Criminal Procedure, by adding Subsection (a-1) to authorize the clerk of a municipal court to collect money payable to the municipal court under Title 2 (Code of Criminal Procedure).

SECTION 2. Amends Article 103.0081, Code of Criminal Procedure, as follows:

Art. 103.0081. New heading: UNCOLLECTIBLE FINES AND FEES. (a) Authorizes any officer authorized by Chapter 103 (Payment, Collection, and Recordkeeping) to collect a fine, fee, or item of cost, rather than 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 fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

- (1) and (2) makes no changes to these subdivisions; or
- (3) the fine, fee, or item of cost has been unpaid for at least 15 years.

(b) Makes conforming changes to this subsection.

SECTION 3. Effective date: September 1, 2021.