

1-1 By: Zaffirini S.B. No. 1373
1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 21, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 21, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Bettencourt	X		
1-12	Birdwell	X		
1-13	Hinojosa	X		
1-14	Miles	X		
1-15	Nichols	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1373 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the imposition and collection of fines, fees, and court
1-20 costs in criminal cases.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 42.15(a-1), Code of Criminal Procedure,
1-23 is amended to read as follows:

1-24 (a-1) Notwithstanding any other provision of this article,
1-25 during or immediately after imposing a sentence in a case in which
1-26 the defendant entered a plea in open court as provided by Article
1-27 27.13, 27.14(a), or 27.16(a), a court shall inquire on the record
1-28 whether the defendant has sufficient resources or income to
1-29 immediately pay all or part of the fine and costs. If the court
1-30 determines that the defendant does not have sufficient resources or
1-31 income to immediately pay all or part of the fine and costs, the
1-32 court shall determine whether the fine and costs should be:

1-33 (1) subject to Subsection (c), required to be paid at
1-34 some later date or in a specified portion at designated intervals;

1-35 (2) discharged by performing community service under,
1-36 as applicable, Article 43.09(f), Article 45.049, Article 45.0492,
1-37 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
1-38 Regular Session, 2011, or Article 45.0492, as added by Chapter 777
1-39 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;

1-40 (3) waived in full or in part under Article 43.091 or
1-41 45.0491; or

1-42 (4) satisfied through any combination of methods under
1-43 Subdivisions (1)-(3).

1-44 SECTION 2. Article 43.015(3), Code of Criminal Procedure,
1-45 is amended to read as follows:

1-46 (3) "Cost" includes any fee, including a reimbursement
1-47 fee, imposed on a defendant by the court [at the time a judgment is
1-48 entered].

1-49 SECTION 3. Article 45.004, Code of Criminal Procedure, is
1-50 amended to read as follows:

1-51 Art. 45.004. GENERAL DEFINITION. Unless the context
1-52 clearly indicates otherwise, in [In] this chapter, "cost" includes
1-53 any fee, including a reimbursement fee, imposed on a defendant by
1-54 the justice or judge [at the time a judgment is entered].

1-55 SECTION 4. Article 103.0081, Code of Criminal Procedure, is
1-56 amended to read as follows:

1-57 Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any
1-58 officer authorized by this chapter to collect a fine, reimbursement
1-59 or other fee, or item of cost may request the trial court in which a
1-60 criminal action or proceeding was held to make a finding that a

2-1 fine, reimbursement or other fee, or item of cost imposed in the
2-2 action or proceeding is uncollectible if the officer believes:

- 2-3 (1) the defendant is deceased;
- 2-4 (2) the defendant is serving a sentence for
- 2-5 imprisonment for life or life without parole; or
- 2-6 (3) the fine, reimbursement or other fee, or item of
- 2-7 cost has been unpaid for at least 15 years.

2-8 (b) On a finding by a court that any condition described by
2-9 Subsection (a) [~~Subsections (a)(1)-(3)~~] is true, the court may
2-10 order the officer to designate the fine, reimbursement or other
2-11 fee, or item of cost as uncollectible in the fee record. The
2-12 officer shall attach a copy of the court's order to the fee record.

2-13 SECTION 5. The changes in law made by this Act apply to a
2-14 fine, fee, or cost imposed before, on, or after the effective date
2-15 of this Act.

2-16 SECTION 6. This Act takes effect September 1, 2021.

2-17 * * * * *