

By: Moody

H.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on a judge's imposition of court costs and filing or other fees on indigent defendants and plaintiffs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle I, Title 2, Government Code, is amended by adding Chapter 104 to read as follows:

CHAPTER 104. COURT COSTS AND FILING AND OTHER FEES IN CIVIL AND CRIMINAL PROCEEDINGS

Sec. 104.001. WAIVING COURT COSTS AND FILING AND OTHER FEES FOR INDIGENTS. (a) In this section, "indigent" means an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

(b) Notwithstanding any other law, a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court, in a civil or criminal proceeding who finds that the defendant or plaintiff in the proceeding is indigent shall waive all court costs, including costs on conviction, and all filing fees and other fees imposed by law on the indigent defendant or plaintiff.

SECTION 2. Chapter 104, Government Code, as added by this Act, applies only to court costs and filing and other fees imposed in a civil or criminal proceeding that is conducted on or after the

1 effective date of this Act. Court costs and filing and other fees
2 imposed in a civil or criminal proceeding before the effective date
3 of this Act are governed by the law in effect on the date the costs
4 or fees were imposed, and the former law is continued in effect for
5 that purpose.

6 SECTION 3. This Act takes effect September 1, 2017.