

## **BILL ANALYSIS**

C.S.H.B. 435  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised about the amount of uncollected court fees and costs in certain Texas counties and the fact that many of these fees and costs have remained uncollected for years, sometimes due to the defendants against which the fees were assessed being deceased or sentenced to life imprisonment. Recent reports suggest that the cost to a county of pursuing the collection of these fees year after year outweighs the payoff for such a county. C.S.H.B. 435 seeks to address these concerns by providing for the designation of these fees and costs as uncollectible in court records.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 435 amends the Government Code to authorize the clerk of a court to request the court in which a cost or fee was imposed on a party in a civil case that has been unpaid for at least 15 years to make a finding that the cost or fee is uncollectible. The bill authorizes the court, on such a finding, to order the clerk to designate the cost or fee as uncollectible in the fee record and requires the clerk to attach a copy of the court's order to the fee record. The bill expressly does not apply to a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals.

C.S.H.B. 435 repeals Article 103.0081(c), Code of Criminal Procedure, relating to the authority of a trial court in a county with a population of more than 780,000 but less than 790,000 to order the designation of certain fees or items of cost imposed in a criminal action or proceeding as uncollectible.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 435 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute decreases from 20 years to 15 years the minimum period for which an unpaid court cost or fee must be outstanding in order for the clerk to request the finding.