

By: Moody

H.B. No. 1021

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the imposition of court costs and filing or other fees on certain 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 whose household income is at or below 125 percent of the federal poverty guidelines as determined by the United States Department of Health and Human Services.

(b) Notwithstanding Section 101.001, 102.001, 103.001, or 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 before the court, 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.

(c) This section does not apply to a proceeding filed by the state's Title IV-D agency for an individual to whom the agency is

1 providing services authorized under Chapter 231, Family Code.

2           SECTION 2. Chapter 104, Government Code, as added by this  
3 Act, applies only to court costs and filing and other fees imposed  
4 in a civil or criminal proceeding commenced on or after the  
5 effective date of this Act. Court costs and filing and other fees  
6 imposed in a civil or criminal proceeding commenced before the  
7 effective date of this Act are governed by the law in effect on the  
8 date the proceeding was commenced, and the former law is continued  
9 in effect for that purpose.

10           SECTION 3. This Act takes effect September 1, 2019.