

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Shaheen, Thierry, Smith

H.B. No. 435

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of information entered into a fee record.

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

SECTION 1. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.609 to read as follows:

Sec. 51.609. UNCOLLECTIBLE FEES. (a) The clerk may request the court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 10 years.

(b) On a finding by a court that a court cost or fee imposed on a party in a civil case is uncollectible, the court may order the clerk to designate the cost or fee as uncollectible in the fee record. The clerk shall attach a copy of the court's order to the fee record.

(c) This section does not apply to a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals.

SECTION 2. Article 103.0081(c), Code of Criminal Procedure, is repealed.

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

ADOPTED

MAY 10 2019

*Letty Spaw*  
Secretary of the Senate

By: *Zaffarini*

H.B. No. 435

Substitute the following for H.B. No. 435 :

By: *Zaffarini*

C.S. H.B. No. 435

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

SECTION 1. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.609 to read as follows:

Sec. 51.609. UNCOLLECTIBLE FEES. (a) The clerk may request the court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 15 years.

(b) On a finding by a court that a court cost or fee imposed on a party in a civil case is uncollectible, the court may order the clerk to designate the cost or fee as uncollectible in the fee record. The clerk shall attach a copy of the court's order to the fee record.

(c) This section does not apply to a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals.

SECTION 2. Article 103.0081(c), Code of Criminal Procedure, is repealed.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 10, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB435** by Shaheen (Relating to the maintenance of information entered into a fee record.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to make assessed civil court costs under certain circumstances uncollectible if the fee has been unpaid for 15 years and would amend the Code of Criminal Procedure to remove the population limit on counties eligible to classify a fee assessed in a criminal action as uncollectible. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. Based on the analysis of the Comptroller of Public Accounts, the amount of court fee and cost collections that could be reduced due to a court order that the fee is uncollectible would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts

**LBB Staff:** WP, SD, KK, SLE, MW, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 1, 2019**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on Administration

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB435** by Shaheen (relating to the maintenance of information entered into a fee record.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to make assessed civil court costs under certain circumstances uncollectible if the fee has been unpaid for 15 years and would amend the Code of Criminal Procedure to remove the population limit on counties eligible to classify a fee assessed in a criminal action as uncollectible. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. Based on the analysis of the Comptroller of Public Accounts, the amount of court fee and cost collections that could be reduced due to a court order that the fee is uncollectible would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts

**LBB Staff:** WP, KK, SLE, MW, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 30, 2019**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on Administration

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB435** by Shaheen (Relating to the maintenance of information entered into a fee record.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to make assessed civil court costs under certain circumstances uncollectible if the fee has been unpaid for 10 years and would amend the Code of Criminal Procedure to remove the population limit on counties eligible to classify a fee assessed in a criminal action as uncollectible. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. Based on the analysis of the Comptroller of Public Accounts, the amount of court fee and cost collections that could be reduced due to a court order that the fee is uncollectible would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts

**LBB Staff:** WP, KK, SLE, MW, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 27, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB435** by Shaheen (Relating to the maintenance of information entered into a fee record.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to make assessed civil court costs under certain circumstances uncollectible if the fee has been unpaid for 20 years and would amend the Code of Criminal Procedure to remove the population limit on counties eligible to classify a fee assessed in a criminal action as uncollectible. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. Based on the analysis of the Comptroller of Public Accounts, the amount of court fee and cost collections that could be reduced due to a court order that the fee is uncollectible would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts

**LBB Staff:** WP, SLE, MW, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 3, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB435** by Shaheen (Relating to the maintenance of information entered into a fee record.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to make assessed civil court costs under certain circumstances uncollectible if the fee has been unpaid for 20 years and would amend the Code of Criminal Procedure to remove the population limit on counties eligible to classify a fee assessed in a criminal action as uncollectible. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. Based on the analysis of the Comptroller of Public Accounts, the amount of court fee and cost collections that could be reduced due to a court order that the fee is uncollectible would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts

**LBB Staff:** WP, SLE, MW, DA