

## **BILL ANALYSIS**

C.S.H.B. 2441  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many low-income Texans become trapped in a cycle of debt when they get traffic tickets and other citations they cannot afford to pay. When they fail to pay, they lose their driver's licenses. Despite this, some continue to drive in order to provide for their families, which leads to more citations for driving without a valid license and therefore more fines and costs. Eventually some of these people end up in jail and lose their jobs and housing. Although progress has been made toward reducing the burden of criminal debt for low-income Texans across the state, for many the inability to pay a fine for a minor speeding ticket can still lead to a mass criminal debt and eventually incarceration. Under current law, these fines, fees, and costs are not clearly defined nor are uncollectible fines, fees, or costs. In addition to this, courts are not required by law to determine someone's ability to pay fines and costs on record. C.S.H.B. 2441 makes clarifications to include fines, reimbursement fees, and other fees among the court costs that may be found uncollectible by a court and requires judges to inquire whether a person has the ability to pay the fines and fees on record.

### **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. 2441 amends the Code of Criminal Procedure to expand the definition of "cost" for purposes of a criminal action or a proceeding in a justice court or municipal court to apply to any fee, including a reimbursement fee, imposed on a defendant by an applicable court, regardless of when the fee is imposed. The bill authorizes an applicable officer to request the trial court in which a criminal action or proceeding was held to make a finding that a fine or reimbursement or other fee imposed in the action or proceeding is uncollectible if the officer believes the defendant is deceased, the defendant is serving a sentence for imprisonment for life or life without parole, or the fine or reimbursement or other fee has been unpaid for at least 15 years. The bill clarifies that an officer is authorized to believe an item of cost has been unpaid for at least 15 years. The bill specifies that the requirement for a court to inquire whether a defendant has sufficient resources or income to immediately pay all or part of the fine and costs is a requirement for the court to make the inquiry on the record. The bill's provisions apply to a fine, fee, or cost imposed before, on, or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2441 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 includes a provision not in the original specifying that the requirement for a court to inquire whether a defendant has sufficient resources or income to immediately pay all or part of a fine and costs is a requirement for the court to do so on the record.

In provisions not in the original, the substitute includes reimbursement fees in the definition of "cost" for purposes of a criminal action or a proceeding in a justice court or municipal court and includes reimbursement fees among the costs that may be found uncollectible by a court.

The substitute does not include the authorization from the original for an applicable officer to request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes the fine, fee, or item of cost is otherwise uncollectible.