87R3250 ANG-D

By:  Crockett H.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the imposition of court costs and filing, reimbursement, 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, REIMBURSEMENT, AND OTHER FEES IN CIVIL AND CRIMINAL PROCEEDINGS FOR INDIVIDUALS WHO ARE INDIGENT

Sec. 104.001.  APPLICABILITY. This chapter does not apply to a proceeding filed by the state's Title IV-D agency for an individual to whom the agency is providing services authorized under Chapter 231, Family Code.

Sec. 104.002.  INDIGENCY DETERMINATION. For purposes of this chapter, an individual is indigent if:

(1)  the individual's household income is at or below 200 percent of the federal poverty guidelines as determined by the United States Department of Health and Human Services;

(2)  the individual or the individual's dependent is determined to be financially eligible to receive legal services from a nonprofit organization funded partly by the Texas Access to Justice Foundation or the Legal Services Corporation;

(3)  the individual or the individual's dependent is eligible based on the individual's financial means to receive a benefit from a government program, including:

(A)  the supplemental nutrition assistance program under Chapter 33, Human Resources Code;

(B)  the national school lunch program of free or reduced-price meals;

(C)  the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(D)  the Medicaid program under Chapter 32, Human Resources Code;

(E)  the child health plan program operated under Chapter 62, Health and Safety Code;

(F)  the Temporary Assistance for Needy Families program under Chapter 31, Human Resources Code;

(G)  Supplemental Security Income benefits under 42 U.S.C. Section 1381 et seq.;

(H)  publicly financed or subsidized housing;

(I)  subsidized child-care services;

(J)  the Low-Income Home Energy Assistance Program; or

(K)  the federal earned income tax credit; or

(4)  the individual filed a statement of inability to afford payment of court costs in a civil matter in accordance with the Texas Rules of Civil Procedure and was not ordered to pay court costs based on a finding that the individual cannot afford to pay the court costs.

Sec. 104.003.  WAIVER OF COURT COSTS AND OTHER FEES FOR INDIVIDUALS WHO ARE INDIGENT. 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 an individual who is indigent shall waive all court costs, including costs on conviction, and all filing fees, reimbursement fees, and other fees imposed by law on the individual.

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

SECTION 3.  This Act takes effect September 1, 2021.