

By: Crockett

H.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on the imposition of court costs and
3 filing, reimbursement, or other fees on certain indigent defendants
4 and plaintiffs.

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

6 SECTION 1. Subtitle I, Title 2, Government Code, is amended
7 by adding Chapter 104 to read as follows:

8 CHAPTER 104. COURT COSTS AND FILING, REIMBURSEMENT, AND OTHER FEES
9 IN CIVIL AND CRIMINAL PROCEEDINGS FOR INDIVIDUALS WHO ARE INDIGENT

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

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

16 (1) the individual's household income is at or below
17 200 percent of the federal poverty guidelines as determined by the
18 United States Department of Health and Human Services;

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

23 (3) the individual or the individual's dependent is
24 eligible based on the individual's financial means to receive a

1 benefit from a government program, including:

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

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

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

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

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

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

15 (G) Supplemental Security Income benefits under
16 42 U.S.C. Section 1381 et seq.;

17 (H) publicly financed or subsidized housing;

18 (I) subsidized child-care services;

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

21 (K) the federal earned income tax credit; or

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

27 Sec. 104.003. WAIVER OF COURT COSTS AND OTHER FEES FOR

1 INDIVIDUALS WHO ARE INDIGENT. Notwithstanding Section 101.001,
2 102.001, 103.001, or any other law, a judge or justice of the
3 supreme court, the court of criminal appeals, a court of appeals, a
4 district court, a criminal district court, a constitutional county
5 court, a statutory county court, a justice court, or a municipal
6 court, in a civil or criminal proceeding before the court, who finds
7 that the defendant or plaintiff in the proceeding is an individual
8 who is indigent shall waive all court costs, including costs on
9 conviction, and all filing fees, reimbursement fees, and other fees
10 imposed by law on the individual.

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

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