

By: White

H.B. No. 2441

Substitute the following for H.B. No. 2441:

By: Smith

C.S.H.B. No. 2441

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the imposition and collection of fines, fees, and court
3 costs in criminal cases.

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

5 SECTION 1. Article 42.15(a-1), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a-1) Notwithstanding any other provision of this article,
8 during or immediately after imposing a sentence in a case in which
9 the defendant entered a plea in open court as provided by Article
10 27.13, 27.14(a), or 27.16(a), a court shall inquire on the record
11 whether the defendant has sufficient resources or income to
12 immediately pay all or part of the fine and costs. If the court
13 determines that the defendant does not have sufficient resources or
14 income to immediately pay all or part of the fine and costs, the
15 court shall determine whether the fine and costs should be:

16 (1) subject to Subsection (c), required to be paid at
17 some later date or in a specified portion at designated intervals;

18 (2) discharged by performing community service under,
19 as applicable, Article 43.09(f), Article 45.049, Article 45.0492,
20 as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
21 Regular Session, 2011, or Article 45.0492, as added by Chapter 777
22 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;

23 (3) waived in full or in part under Article 43.091 or
24 45.0491; or

1 (4) satisfied through any combination of methods under
2 Subdivisions (1)-(3).

3 SECTION 2. Article 43.015(3), Code of Criminal Procedure,
4 is amended to read as follows:

5 (3) "Cost" includes any fee, including a reimbursement
6 fee, imposed on a defendant by the court [~~at the time a judgment is~~
7 ~~entered~~].

8 SECTION 3. Article 45.004, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 45.004. GENERAL DEFINITION. Unless the context clearly
11 indicates otherwise, in [In] this chapter, "cost" includes any fee,
12 including a reimbursement fee, imposed on a defendant by the
13 justice or judge [~~at the time a judgment is entered~~].

14 SECTION 4. Article 103.0081, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any
17 officer authorized by this chapter to collect a fine, reimbursement
18 or other fee, or item of cost may request the trial court in which a
19 criminal action or proceeding was held to make a finding that a
20 fine, reimbursement or other fee, or item of cost imposed in the
21 action or proceeding is uncollectible if the officer believes:

22 (1) the defendant is deceased;

23 (2) the defendant is serving a sentence for
24 imprisonment for life or life without parole; or

25 (3) the fine, reimbursement or other fee, or item of
26 cost has been unpaid for at least 15 years.

27 (b) On a finding by a court that any condition described by

1 Subsection (a) [~~Subsections (a)(1)-(3)~~] is true, the court may
2 order the officer to designate the fine, reimbursement or other
3 fee, or item of cost as uncollectible in the fee record. The officer
4 shall attach a copy of the court's order to the fee record.

5 SECTION 5. The changes in law made by this Act apply to a
6 fine, fee, or cost imposed before, on, or after the effective date
7 of this Act.

8 SECTION 6. This Act takes effect September 1, 2021.