

By: White

H.B. No. 2441

A BILL TO BE ENTITLED

AN ACT

relating to the imposition and collection of fines, fees, and court costs in criminal cases.

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

SECTION 1. Article 43.015(3), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 2. Article 45.004, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3. Article 103.0081, Code of Criminal Procedure, is amended to read as follows:

Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, fee, or item of cost may 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:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for

1 imprisonment for life or life without parole; ~~[or]~~

2 (3) the fine, fee, or item of cost has been unpaid for
3 at least 15 years; or

4 (4) the fine, fee, or item of cost is otherwise
5 uncollectible.

6 (b) On a finding by a court that any condition described by
7 Subsection (a) [~~Subsections (a)(1)-(3)~~] is true, the court may
8 order the officer to designate the fine, fee, or item of cost as
9 uncollectible in the fee record. The officer shall attach a copy of
10 the court's order to the fee record.

11 SECTION 4. The changes in law made by this Act apply to a
12 fine, fee, or cost imposed before, on, or after the effective date
13 of this Act.

14 SECTION 5. This Act takes effect September 1, 2021.