

By: Zaffirini

S.B. No. 1373

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, including any reimbursement 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, including any reimbursement 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, including any reimbursement 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, including any reimbursement fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

1 (1) the defendant is deceased;

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

4 (3) the fine, fee, including any reimbursement fee, or
5 item of cost has been unpaid for at least 15 years.

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, including any
9 reimbursement fee, or item of cost as uncollectible in the fee
10 record. The officer shall attach a copy of the court's order to the
11 fee record.

12 SECTION 4. Article 42.15(a-1), Code of Criminal Procedure,
13 is amended to read as follows:

14 (a-1) Notwithstanding any other provision of this article,
15 during or immediately after imposing a sentence in a case in which
16 the defendant entered a plea in open court as provided by Article
17 27.13, 27.14(a), or 27.16(a), a court shall inquire on the record
18 whether the defendant has sufficient resources or income to
19 immediately pay all or part of the fine and costs, the court shall
20 determine whether the fines and costs should be:

21 (1) required to be paid at some later date or in a specified
22 portion at designated intervals;

23 (2) discharged by performing community service under, as
24 applicable, Article 43.09(f), Article 45.049, Article 45.0492, as
25 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
26 Regular Session, 2011, or Article 45.0492, as added by Chapter 777
27 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;

1 (3) waived in full or in part under Article 43.091 or
2 45.0491 ; or

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

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.