

BILL ANALYSIS

S.B. 413
By: Taylor, Van
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that while most court-ordered fees are collected expediently, defendants who are deceased or serving a lifelong prison sentence cannot pay these fees. The parties contend that the costs of collecting these fees outweigh the fees' value to some counties and that these counties should have the authority to remove these uncollectible fees from their record books. S.B. 413 seeks to address this issue by providing a mechanism for designating certain fees or items of cost as uncollectible in the fee record in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 413 amends the Code of Criminal Procedure to authorize any officer authorized by statutory provisions governing the payment, collection, and recordkeeping of court costs to collect a fee or item of cost to request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes that the defendant is deceased, that the defendant is serving a sentence for imprisonment for life or life without parole, or that the fee has been unpaid for at least 15 years. The bill authorizes the court, on a finding that any such condition is true, to order the officer to designate the fee or item of cost as uncollectible in the fee record and requires the officer to attach a copy of the court's order to the fee record. The bill applies only to a county with a population of more than 780,000 but less than 790,000.

EFFECTIVE DATE

September 1, 2017.