

**SUBJECT:** Definition of court costs, designating court fees and costs uncollectable

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Leach, Davis, Dutton, Julie Johnson, Krause, Middleton,  
Moody, Schofield, Smith

0 nays

**WITNESSES:** For — Emily Gerrick, Texas Fair Defense Project; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Eric Carcerano, Chambers County District Attorney's Office; Christine Wright, City of San Antonio; Cary Roberts, County and District Clerks' Association of Texas; Traci Berry, Goodwill Central Texas; Kathy Mitchell, Just Liberty; Jama Pantel, Justices of the Peace and Constables Association of Texas; Maggie Luna, Statewide Leadership Council; Lori Henning, TX Association of Goodwills; Rosann Mariappuram; Thomas Parkinson)

Against — None

**BACKGROUND:** Under Code of Criminal Procedure art. 42.15, during or immediately after imposing a sentence in which a defendant entered a plea in open court, judges are required to inquire whether a criminal defendant has sufficient resources or income to immediately pay all or part of the fines and costs.

Code of Criminal Procedure art. 103.0081 allows certain officials to ask a trial court to make a finding that a fee or item of cost imposed in the case was uncollectible if the defendant is deceased or serving a sentence of life in prison or life without parole or if the fee has been unpaid for at least 15 years. This allows the official to designate the fine as uncollectible in the fee record.

It has been suggested that current law allowing court fees and costs to be designated as uncollectable should also include fines and that the definition of costs should include fees changed or imposed after a court judgment.

DIGEST:

CSHB 2441 would revise the definition of what can be declared uncollectible if a criminal defendant is deceased, serving a sentence of life in prison or life without parole, or if the fee has been unpaid for at least 15 years. The bill would add fines and reimbursement fees to the list of items that a court could declare uncollectible.

The bill would revise the definition of "cost" in statutes relating to judgments in criminal cases to include reimbursement fees and to include fees imposed at any time by a court, judge, or justice, not just at the time the judgment was entered.

The bill also would require that when judges inquire whether a criminal defendant has income or resources to pay a fine and costs, the inquiry be made on the record.

The bill would take effect September 1, 2021, and would apply to fines, fees, and costs imposed before, on, or after that date.