

- SUBJECT:** Allowing courts to designate fees older than 15 years as uncollectible
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith, White  
0 nays  
1 absent — Y. Davis
- WITNESSES:** For — Esmeralda Pena Garcia, City of Houston, Texas Municipal Courts Association; Russell Schaffner, Tarrant County; John Dahill, Texas Conference of Urban Counties; (*Registered, but did not testify*: Lynne Renfro, Collin County District Clerk; Lynne Finley, Patti Henry, Joyce Hudman, Stacey Kemp, and Cary Roberts, County and District Clerks' Association of Texas; Charles Reed, Dallas County Commissioners Court; Aimee Bertrand, Harris County Commissioners Court; Lynn Holt, Justices of the Peace and Constables Association; Bill Kelly, City of Houston Mayor's Office; Monty Wynn, Texas Municipal League; Deece Eckstein, Travis County Commissioners Court)  
  
Against — None
- BACKGROUND:** Code of Criminal Procedure sec. 103.0081 allows a trial court in a county with a population of more than 780,000 but less than 790,000 (Collin County) to designate a fee or item of cost imposed in a criminal action or proceeding as uncollectable in certain circumstances.  
  
Some have called for this authorization to be extended statewide and to civil cases so that counties may remove bad debt from their financial statements.
- DIGEST:** CSHB 435 would allow the clerk of a court to request that the court make a finding that a fee or court cost imposed on a party by the court in a civil case was uncollectible if it had been unpaid for at least 15 years. The court

could order the clerk to designate it as uncollectible in the fee record. The clerk would have to attach a copy of the court's order to the fee record.

The bill would not apply to a court cost or fee imposed by the Supreme Court, the Court of Criminal Appeals, or a court of appeals.

The bill would repeal the provision that applies the statute only to Collin County.

The bill would take effect September 1, 2019.