

## **BILL ANALYSIS**

Senate Research Center  
78R12147 QS-D

H.B. 1945  
By: Hartnett (Averitt)  
Jurisprudence  
5/20/2003  
Engrossed

### **DIGEST AND PURPOSE**

Under current Texas law, certain statutory county courts may collect various types of fees. Texas counties that choose to collect those fees “opt-in” to the system and forward the fees collected to the comptroller, who places the money in a judicial fund. H.B. 1945 requires the uniform collection of criminal fees and provides that a county is not considered a participating county unless it collects both civil and criminal fees.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 25.0005(a), (b), and (e), Government Code, as follows:

(a) Requires a statutory county court judge, other than a statutory county court judge who engages in the private practice of law or a judge in whose court fees and costs under Sections 51.702(a) and (b), rather than Section 51.702, are not collected, to be paid a total annual salary set by the commissioners court at an amount that is at least equal to the amount that is \$1,000 less than the total annual salary received by a district judge in the county on August 31, 1999.

(b) Makes a conforming change.

(e) Makes conforming changes.

SECTION 2. Amends Section 25.0015, Government Code, as follows:

Sec. 25.0015. STATE CONTRIBUTION. (a) Makes a conforming change.

(b) Requires the amount, for a county that participates under Section 51.702(f) under a resolution adopted and filed with the comptroller before September 1, 2003, to be paid to the county's salary fund in equal monthly installments, and of each \$35,000 paid a county, requires \$30,000 to be paid from funds appropriated from the judicial fund, and \$5,000 to be paid from funds appropriated from the general revenue fund.

(c) Requires the amount, for a county that participates under Section 51.702(f) under a resolution adopted or filed with the comptroller on or after September 1, 2003, to be paid to the county's salary fund in equal monthly installments from funds appropriated from the judicial fund.

SECTION 3. Amends Section 25.0292(f), Government Code, to make a conforming change.

SECTION 4. Amends Section 51.702, Government Code, by amending Subsections (d), (f), (g), (i), and (k) and adding Subsections (l) and (m), as follows:

(d) Requires the clerk to send the fees and costs collected under Subsections (a) and (b), rather than this section, to the comptroller at least as frequently as monthly.

(f) Provides that Subsections (a)-(d) and (g)-(k) apply, rather than this section applies, only to fees and costs for a 12-month period beginning July 1 in a county in which the commissioners court performs certain acts.

(g) Provides that a resolution under Subsection (f) continues from year to year allowing the county to collect fees and costs under Subsections (a) and (b) under the terms of this section until the resolution is rescinded.

(i) Makes conforming changes.

(k) Makes conforming changes.

(l) Requires a person, in a county in which court costs are not collected under Subsection (b), to pay, in addition to other court costs, \$15 as a court cost on conviction of any criminal offense in a statutory county court, including cases in which probation or deferred adjudication is granted. Provides that a conviction that arises under Chapter 521, Transportation Code, or a conviction under Subtitle C, Title 7, Transportation Code, is included, except that a conviction arising under any law that regulates pedestrians or the parking of motor vehicles is not included.

(m) Requires court costs due under Subsection (l) to be collected in the same manner as other fees, fines, and costs are collected in the case. Requires the clerk to send the costs to the county treasurer or other person performing the duties of county treasurer at least as frequently as monthly. Requires the county treasurer or other person to deposit the costs collected in the county treasury.

SECTION 5. Amends Section 51.703, Government Code, by adding Subsection (f), to prohibit a clerk from collecting a fee under this section and under Section 51.702(a).

SECTION 6. Provides that the change in law made by this Act applies only to a civil case filed or court costs imposed on conviction of an offense committed on or after the effective date of this Act. Provides that for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. Provides that a civil case filed or court costs imposed on conviction of an offense committed before the effective date of this Act are governed by the law in effect on the date the case was filed or the offense was committed and provides that the former law is continued in effect for that purpose.

SECTION 7. Effective date: September 1, 2003.