

BILL ANALYSIS

S.B. 325
By: Armbrister
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, legislation implementing new court costs and fees or changes to courts costs and fees is usually effective September 1, the beginning of the state fiscal year. This effective date does not allow much time to implement changes, revise forms, change computer software, or train personnel on the changes. As proposed, S.B. 325 would set the implementation date of new or amended court costs and fees at January 1 after each regular legislative session, to give cities, counties, and the comptroller of public accounts four additional months to make the necessary changes and adaptations.

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

SECTION 1. Amends Chapter 51G, Government Code, by adding Section 51.607, as follows:

Sec. 51.607. IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES.

(a) Requires the comptroller of public accounts of the State of Texas (comptroller), following each regular session of the legislature, to identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerks of certain courts from a party to a civil case or a defendant in a criminal case, including certain fees and charges related to a court case. Provides that this subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) Requires the comptroller to prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and publish the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law imposing or changing the amount of the cost or fee was enacted. Requires the comptroller to include with the list a statement describing the operation of this section and stating the date the imposition or change in the amount of the court cost or fee will take effect under Subsection (c).

(c) Provides that notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d) Provides that this section does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee meets certain requirements.

SECTION 2. (a) Makes application of this Act prospective.

(b) Provides that Section 51.607, Government Code, as added by this Act, applies to a law enacted by the 78th Legislature, Regular Session, 2003, that takes effect on or after September 1, 2003, but only if this Act takes effect before July 1, 2003.

SECTION 3. Effective date: upon passage or September 1, 2003.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.