

BILL ANALYSIS

Senate Research Center

S.B. 782
By: Armbrister
Criminal Justice
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Enrolled

DIGEST AND PURPOSE

Currently, counties and cities are allowed to contract with outside vendors for the collection of fines, fees, restitution and other costs ordered by a court and to add a 30 percent collection fee to each debt or receivable more than 60 days past due. S.B. 782 authorizes a county or municipality to contract for collection services in criminal cases and certain cases involving the parking or stopping of motor vehicles.

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 Article 103.0031, Code of Criminal Procedure, as follows

- (a) Authorizes the commissioners court of a county or the governing body of a municipality to enter into a contract with a private attorney or a public or private vendor for the provision of collection services for one or more of certain items.
- (b) Provides the amount to which the 30 percent collection fee applies, with respect to debts and accounts receivable such as unpaid fines, fees, court costs, and restitution ordered paid by certain entities. Provides that the collection fee does not apply to certain cases. Requires the court to calculate the amount of any collection fee due to the governmental entity or to the private attorney or public or private vendor performing the collection services. Makes a conforming change.
- (c) Authorizes the governing body of a municipality with a population of more than 1.9 million to authorize adding collection fees under Subsection (b) for a collection program performed by employees of the governing body.
- (d) Redesignated from Subsection (c).
- (e) Redesignated from Subsection (d). Requires the allocation to the comptroller, the county or municipality, and the private attorney or vendor, of an amount paid by person under a contract with a county or municipality under Subsection (a) that is less than the aggregate total to be collected under Subsections (a) and (b), to be reduced proportionately.
- (f) Provides that an item subject to collection services under Subsection (a) and to the additional collection fees authorized by Subsection (b) is considered more than 60 days past due under Subsection (b) if it remains unpaid on the 61st day after a certain date.
- (g) Prohibits a county or municipality that enters into a contract under Subsection (a) from using the additional 30 percent collection fee authorized by Subsection (b) for any purpose other than compensating the private attorney or private vendor who earns the fee.
- (h) Provides that this section does not apply to the collection of commercial bail bonds.

(i) Authorizes the commissioners court of a county or the governing body of a municipality to enter into a contract as described in this article to collect a debt incurred as a result of the commission of a criminal or civil offense committed before the effective date of this subsection. Provides that the collection fee does not apply to a debt collected pursuant to a contract entered into under this subsection.

(j) Requires a communication to the accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case to include a notice of the person's right to enter a plea or go to trial on any offense charged.

SECTION 2. Amends Section 682.010, Transportation Code, as follows:

Sec. 682.010. ENFORCEMENT. (a) Creates this subsection from existing text. Authorizes certain types of enforcement for certain financial penalties under this chapter following a failure by the person charged to appear within the time specified by a municipality's ordinance, resolution, rule, or order.

(b) Establishes the requirements for an action to collect a fine, cost, or fee under Subsection (a)(5).

SECTION 3. Amends, Section 706.002(a), Transportation Code, to authorize a political subdivision to contract with the department to provide information necessary for the department to deny renewal of the driver's license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, rather than Article 4.11 or 4.14, Code of Criminal Procedure.

SECTION 4. (a) Makes application of the changes in Article 103.0031, Code of Criminal Procedure, made by this Act prospective.

(b) Makes the change in law made by this Act to Section 682.010, Transportation Code, retroactive.

SECTION 5. Effective date: upon passage or September 1, 2003.