

BILL ANALYSIS

S.B. 791
By: West
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is no centralized database on court costs, fees and fines collected by local and county entities and no routine monitoring mechanism in place to determine whether statutory collection and reporting requirements have been compiled. As proposed, S.B. 791 requires the comptroller of public accounts to develop and submit a proposal for a monitoring program for the collection, remittance, and reporting of court costs and fees to the comptroller by the court clerks.

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. (a) Requires the comptroller of public accounts to develop and submit a proposal for a monitoring program under which the comptroller will periodically monitor the collection, remittance, and reporting of court costs and fees required to be collected from a party to a civil case or a defendant in a criminal case and remitted to the comptroller by the clerks of the district, county, statutory county, municipal, and justice courts. Requires the monitoring program to be designed to assess whether:

- (1) the comptroller is receiving complete information on the sources of the costs and fees collected;
- (2) each court clerk is reporting the costs and fees collected as required by law; and
- (3) the comptroller is crediting the costs and fees remitted to the appropriate fund or account.

(b) Requires the comptroller to submit a cost estimate for implementing and operating the monitoring program proposed under Subsection (a) of this section.

(c) Requires the comptroller to submit the proposal and cost estimate required by this section to the governor, the lieutenant governor, and the speaker of the house of representatives not later than September 1, 2004.

SECTION 2. Effective date: September 1, 2003.

EFFECTIVE DATE

September 1, 2003.