

By: Krusee

H.B. No. 2430

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to contract for case resolution services in criminal cases and in certain cases involving the parking or stopping of a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 103.0031, Code of Criminal Procedure, is amended to read as follows:

Art. 103.0031. CASE RESOLUTION [~~COLLECTION~~] CONTRACTS. (a) The commissioners court of a county or the governing body of a municipality may enter into a contract with a private attorney or a public or private vendor for the provision of case resolution [~~collection~~] services for:

(1) collection of debts and accounts receivable such as unpaid fines, fees, court costs, and restitution ordered paid by:

(A) a court serving the county or a court serving the municipality, as applicable; or

(B) a hearing officer serving the municipality under Chapter 682, Transportation Code; and

(2) resolution of cases in which a defendant has failed to appear:

(A) as required by Subchapter A, Chapter 543, Transportation Code;

(B) in compliance with a lawful written notice to

1 appear issued under Article 14.06(b) or other law;

2 (C) in compliance with a lawful order of a court  
3 -serving the county or municipality; or

4 (D) as specified in a citation, summons, or other  
5 notice authorized by Section 682.002, Transportation Code, that  
6 charges the defendant with a parking or stopping offense [~~debts and~~  
7 ~~accounts receivable such as fines, fees, restitution, and other~~  
8 ~~debts or costs, other than forfeited bonds, ordered to be paid by a~~  
9 ~~court serving the county or a court serving the municipality, as~~  
10 appropriate].

11 (b) A commissioners court or governing body of a  
12 municipality that enters into a contract with a private attorney or  
13 private vendor under this article may authorize the addition of  
14 service [~~collection~~] fees to be paid to the attorney or vendor by  
15 the defendant in the amount of 30 percent of the amount of money the  
16 county receives from a defendant as a result of the attorney's or  
17 vendor's actions if the defendant's obligation is [~~on each debt or~~  
18 ~~account receivable that is]~~ more than 60 days past due and has been  
19 referred to the attorney or vendor for services [~~collection~~]. With  
20 respect to those cases described by Subsection (a)(2), the amount  
21 to which the 30 percent service fee applies is:

22 (1) the amount of fines, fees, and court costs to be  
23 paid that, following the vendor's or attorney's action, is  
24 communicated to the defendant as acceptable to the court under its  
25 standard policy for resolution of the case, including the separate  
26 offense of failure of the defendant to timely appear on the original  
27 underlying offense; or

1           (2) the amount ordered paid by the court after plea or  
2 trial.

3           (c) A defendant is not liable for the service [~~collection~~]  
4 fees authorized under Subsection (b) if the court of original  
5 jurisdiction has determined the defendant is indigent, or has  
6 insufficient resources or income, or is otherwise unable to pay all  
7 or part of the underlying finances, fees, [~~fine~~] or costs.

8           (d) If a private attorney or private vendor collects from a  
9 person [~~owing costs ordered paid by the court~~] an amount that is  
10 less than the aggregate total to be collected under Subsections (a)  
11 and (b), the allocation to the comptroller, the county or  
12 municipality, and the private attorney or vendor shall be reduced  
13 proportionately [~~costs owed by the person, including collection~~  
14 ~~costs permitted under the attorney's or vendor's contract with the~~  
15 ~~commissioners court or governing body, the amount of costs~~  
16 ~~collected otherwise required to be sent to the comptroller and the~~  
17 ~~amount permitted to be retained by the county or municipality are~~  
18 ~~reduced by an equal percentage~~] in order to fully compensate the  
19 attorney or vendor at the rate of 30 percent of the aggregate total  
20 actually collected[~~, not to exceed the percentage specified as~~  
21 ~~allowable collection costs in the attorney's or vendor's contract~~  
22 ~~with the county or municipality~~].

23           (e) An obligation subject to case resolution services under  
24 Subsection (a) and to the additional service fees authorized by  
25 Subsection (b) is considered more than 60 days past due under  
26 Subsection (b) if it remains unpaid on the 61st day after the  
27 following appropriate date:

1           (1) with respect to an item described by Subsection  
2 (a)(1), the date on which the court or the hearing officer signs an  
3 order that establishes a debt or imposes a fine, fee, cost of court,  
4 or restitution; or

5           (2) with respect to an obligation described by  
6 Subsection (a)(2), the date by which the defendant promised to  
7 appear or was notified, summoned, or ordered to appear.

8           (f) The additional 30 percent service fee authorized by  
9 Subsection (b) may not be used for any purpose other than  
10 compensating the private attorney or private vendor who earns the  
11 fee.

12           (g) A forfeited bond is not an item subject to case  
13 resolution services under this article.

14           SECTION 2. The change in law made by this Act applies only  
15 to a debt incurred as a result of the commission of a criminal or  
16 civil offense committed on or after the effective date of this Act.  
17 A debt incurred as a result of the commission of an offense  
18 committed before the effective date of this Act is covered by the  
19 law in effect when the offense was committed, and the former law is  
20 continued in effect for that purpose.

21           SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2003.