

By: Capelo

H.B. No. 3159

A BILL TO BE ENTITLED

AN ACT

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

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. 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 collection services for one or more of the following items:

(1) for cases other than those described by Subdivision (2), 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) for cases in which the accused has failed to appear, debts and accounts receivable such as unpaid fines, fees, court costs, and restitution:

(A) as required or promised to be paid under Subchapter A, Chapter 543, Transportation Code, or other law;

1                   (B) owed in compliance with a lawful written  
2 notice to appear issued under Article 14.06(b) or other law;

3                   (C) owed in compliance with a lawful summons  
4 issued under Article 15.03(b) or other law;

5                   (D) owed in compliance with a lawful order of a  
6 court serving the county or municipality; or

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

14           (b) A commissioners court or governing body of a  
15 municipality that enters into a contract with a private attorney or  
16 private vendor under this article may authorize the addition of  
17 collection fees in the amount of 30 percent on each item described  
18 in Subsection (a) ~~[debt or account receivable]~~ that is more than 60  
19 days past due and has been referred to the attorney or vendor for  
20 collection. With respect to those cases described by Subsection  
21 (a)(2), the amount to which the 30 percent collection fee applies  
22 is:

23                   (1) the amount to be paid that is communicated to the  
24 accused as acceptable to the court under its standard policy for  
25 resolution of the case, including the separate offense of failure  
26 of the accused to timely appear on the original underlying offense;  
27 or

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

3           (c) A defendant is not liable for the collection fees  
4 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 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, not to exceed the percentage specified as~~  
20 ~~allowable collection costs in the attorney's or vendor's contract~~  
21 ~~with the county or municipality]~~.

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

27           (1) with respect to an item described by Subsection

1 (a)(1), the date on which the court or the hearing officer signs an  
2 order that establishes a debt or imposes a fine, fee, cost of court,  
3 or restitution; or

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

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

11 (g) A forfeited bond is not an item subject to collection  
12 services under this article.

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

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