

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) debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, 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) amounts in cases in which the accused has failed to appear:

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

(B) in compliance with a lawful written notice to

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

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

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

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

(b) A commissioners court or governing body of a municipality that enters into a contract with a private attorney or private vendor under this article may authorize the addition of a collection fee ~~[fees]~~ in the amount of 30 percent on each item described in Subsection (a) ~~[debt or account receivable]~~ that is more than 60 days past due and has been referred to the attorney or vendor for collection. The collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than 60 days past due. Unless the contract provides otherwise, the court shall calculate the amount of any collection fee due to the governmental entity or to the private attorney or public or private vendor performing the

1 collection services and shall receive all fees, including the
2 collection fee. With respect to cases described by Subsection
3 (a)(2), the amount to which the 30 percent collection fee applies
4 is:

5 (1) the amount to be paid that is communicated to the
6 accused as acceptable to the court under its standard policy for
7 resolution of the case, if the accused voluntarily agrees to pay
8 that amount; or

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

11 (c) The governing body of a municipality with a population
12 of more than 1.9 million may authorize the addition of collection
13 fees under Subsection (b) for a collection program performed by
14 employees of the governing body.

15 (d) A defendant is not liable for the collection fees
16 authorized under Subsection (b) if the court of original
17 jurisdiction has determined the defendant is indigent, or has
18 insufficient resources or income, or is otherwise unable to pay all
19 or part of the underlying fine or costs.

20 (e) [(d)] If a county or municipality has entered into a
21 contract under Subsection (a) and [private attorney or private
22 vendor collects from] a person pays [owing costs ordered paid by the
23 court] an amount that is less than the aggregate total to be
24 collected under Subsections (a) and (b), the allocation to the
25 comptroller, the county or municipality, and the private attorney
26 or vendor shall be reduced proportionately [costs owed by the
27 person, including collection costs permitted under the attorney's

~~or vendor's contract with the commissioners court or governing body, the amount of costs collected otherwise required to be sent to the comptroller and the amount permitted to be retained by the county or municipality are reduced by an equal percentage in order to fully compensate the attorney or vendor, not to exceed the percentage specified as allowable collection costs in the attorney's or vendor's contract with the county or municipality].~~

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

(1) with respect to an item described by Subsection (a)(1), the date on which the debt, fine, fee, forfeited bond, or court cost must be paid in full as determined by the court or hearing officer; or

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

(g) A county or municipality that enters into a contract under Subsection (a) may not use 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) This section does not apply to the collection of commercial bail bonds.

(i) The commissioners court of a county or the governing

1 body of a municipality may enter into a contract as described in
2 this article to collect a debt incurred as a result of the
3 commission of a criminal or civil offense committed before the
4 effective date of this subsection. The collection fee does not
5 apply to a debt collected pursuant to a contract entered into under
6 this subsection.

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

12 SECTION 2. Section 682.010, Transportation Code, is amended
13 to read as follows:

14 Sec. 682.010. ENFORCEMENT. (a) An order filed under
15 Section 682.009, or a fine, cost, or fee imposed under this chapter
16 following a failure by the person charged to appear within the time
17 specified by a municipality's ordinance, resolution, rule, or
18 order, may be enforced by:

19 (1) impounding the vehicle if the offender has
20 committed three or more vehicle parking or stopping offenses in a
21 calendar year;

22 (2) placing a device on the vehicle that prohibits
23 movement of the motor vehicle;

24 (3) imposing an additional fine if the original fine
25 is not paid within a specified time; ~~[or]~~

26 (4) denying issuance of or revoking a parking or
27 operating permit, as applicable; or

1 (5) filing an action to collect the fine, cost, or fee
2 in a court of competent jurisdiction.

3 (b) An action to collect a fine, cost, or fee under
4 Subsection (a)(5) must be brought:

5 (1) in the name of the municipality served by the
6 hearing officer; and

7 (2) in a county in which all or part of that
8 municipality is located.

9 SECTION 3. Subsection (a), Section 706.002, Transportation
10 Code, is amended to read as follows:

11 (a) A political subdivision may contract with the
12 department to provide information necessary for the department to
13 deny renewal of the driver's license of a person who fails to appear
14 for a complaint or citation or fails to pay or satisfy a judgment
15 ordering payment of a fine and cost in the manner ordered by the
16 court in a matter involving any offense that a [~~justice or~~
17 ~~municipal~~] court has jurisdiction of under Chapter 4 [~~Article 4.11~~
18 ~~or 4.14~~], Code of Criminal Procedure.

19 SECTION 4. (a) The change in law made by this Act to
20 Article 103.0031, Code of Criminal Procedure, applies to a debt,
21 account receivable, or an amount incurred as a result of the
22 commission of a criminal or civil offense committed before, on, or
23 after the effective date of this Act, except that the collection fee
24 does not apply to an amount incurred under Subsection (a)(2),
25 Article 103.0031, if the criminal or civil offense was committed
26 before the effective date of this Act.

27 (b) The change in law made by this Act to Section 682.010,

1 Transportation Code, applies to a debt, account receivable, or an
2 amount incurred as the result of a civil offense committed before,
3 on, or after the effective date of this Act, other than a debt,
4 account receivable, or amount satisfied before that date.

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 782 passed the Senate on April 28, 2003, by a viva-voce vote; and that the Senate concurred in House amendments on May 31, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 782 passed the House, with amendments, on May 28, 2003, by the following vote: Yeas 128, Nays 0, four present not voting.

Chief Clerk of the House

Approved:

Date

Governor