

BILL ANALYSIS

S.B. 978
By: Barrientos
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Office of Court Administration (OCA) operates the Model Court Collections Program, which helps local jurisdictions improve the collection of criminal court costs, fees, and fines. OCA program staff help local courts set up formal and uniform collections processes as well as a system to provide offenders with upfront information on total payment costs and access to payment plans for those who request it.

Based on data collected by OCA, state revenue from court costs, fines, and fees in 2003 increased by an average of approximately \$131,000 for each program implemented using the OCA model. Additional revenue received through the implementation of the program flows to 14 criminal justice-related funds including judicial salaries and the Crime Victims Compensation Fund. S.B. 1 appropriates an additional \$1.2 million to the OCA and \$831,000 to the comptroller of public accounts to implement an additional 176 programs over the upcoming biennium, resulting in an increase of approximately \$12.4 million to the Crime Victims Compensation Fund and \$45 million to the state overall.

C.S.S.B. 978 provides the statutory direction necessary to identify and implement the additional programs.

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. Amends Article 103.0032, Code of Criminal Procedure, as follows:

Sec. 103.0032. New heading: COLLECTION IMPROVEMENT PROGRAM. (a) Defines "office" and "program."

(b) Requires each county and municipality, unless granted a waiver under Subsection (g), to develop and implement a program that complies with the prioritized implementation schedule under Subsection (g). Requires a county program to include district, county, and justice courts.

(c) Requires the program to consist of certain components.

(d) Requires the office, not later than June 1 of each year, to identify certain counties and municipalities in regards to the implementation of the program.

(e) Requires the comptroller of public accounts (comptroller), in cooperation with the office, to develop a methodology for determining the collection rate of counties and municipalities described by Subsection (d) before implementation of a program. Requires the comptroller to determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(f) Requires the office to take certain actions regarding requirements and implementation of a program.

(g) Authorizes the office, in consultation with the comptroller, to use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs and to determine whether it is not cost-effective to implement a program in a county or municipality and grant a waiver to the county or municipality.

(h) Creates this subsection from existing text. Deletes existing text relating to certain functions of the plan. Makes conforming changes.

(i) Requires each county and municipality to at least annually submit to the office and the comptroller a written report that includes updated information regarding the program, as determined by the office in cooperation with the comptroller. Requires the report to be in a form approved by the office in cooperation with the comptroller.

(j) Requires the comptroller to periodically audit counties and municipalities to verify information reported under Subsection (i) and confirm that the county or municipality is conforming with requirements relating to the program. Requires the comptroller to consult with the office in determining how frequently to conduct audits under this section.

SECTION 2. Amends Section 133.058, Local Government Code, by adding Subsection (e), as follows:

(e) Prohibits a municipality or county from retaining a service fee if, during an audit under Section 133.059 (Audit) of this code or Article 103.0032(j) (relating to collection improvement plans), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance. Authorizes the municipality or county to continue to retain a service fee under this section on receipt of a written confirmation from the comptroller that the municipality or county is in compliance with Article 103.0032, Code of Criminal Procedure.

SECTION 3. Amends Section 133.103, Local Government Code, by amending Subsections (b) and (c) and adding Subsection (c-1), as follows:

(b) and (c) Provides that Subsection (c-1) is an exception to these subsections.

(c-1) Requires the municipal or county treasurer to send 100 percent of the fees collected under this section to the comptroller if, during an audit under Section 133.059 of this code or Article 103.0032(j), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance with Article 103.0032, Code of Criminal Procedure. Requires the municipality or county to continue to dispose of fees as otherwise provided by this subsection on receipt of a written confirmation from the comptroller that the municipality or county is in compliance with Article 103.0032, Code of Criminal Procedure.

SECTION 4. (a) Requires the office, notwithstanding Article 103.0032(d), Code of Criminal Procedure, as added by this Act, not later than September 1, 2005, to identify those counties and municipalities that are able to implement a collection improvement program under Article 103.0032, Code of Criminal Procedure, as amended by this Act, before April 1, 2006. Requires the office, beginning with June 1, 2006, to comply with Article 103.0032(c), Code of Criminal Procedure, as added by this Act.

(b) Requires the office, not later than September 1, 2005, to make available on the office Internet website requirements for a program under Article 103.0032, Code of Criminal Procedure, as amended by this Act, in accordance with Subsection (f) of that article.

EFFECTIVE DATE

Immediately on receipt of required vote, otherwise September 1, 2005

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