

By: Smith of Harris

H.B. No. 2626

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the penalties and fees imposed by municipalities and
3 counties in relation to certain false alarms.

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

5 SECTION 1. The heading to Section 118.133, Local Government
6 Code, is amended to read as follows:

7 Sec. 118.133. SHERIFF'S AND CONSTABLE'S RESPONSE TO FALSE
8 ALARM IN POPULOUS COUNTY.

9 SECTION 2. Sections 118.133(a) and (c), Local Government
10 Code, are amended to read as follows:

11 (a) The commissioners court of a county with a population of
12 more than 3.3 million by order may adopt a system by which the
13 county charges a fee if the sheriff's or constable's office of the
14 county responds to a security alarm and the emergency for which the
15 alarm device was designed to give notice does not exist.

16 (c) The commissioners court shall set the amount of the fee.
17 The court may set a single fee that is charged for each response to a
18 false alarm or may establish a fee structure under which different
19 fees are charged according to the differing circumstances of each
20 false alarm. However, the amount of a fee may not exceed the amount
21 of the actual costs incurred by the sheriff's or constable's office
22 in responding to the alarm.

23 SECTION 3. Subchapter D, Chapter 233, Local Government
24 Code, is amended by adding Section 233.098 to read as follows:

1 Sec. 233.098. ENFORCED COLLECTION. The appropriate
2 attorney representing the county may file a civil action in a court
3 of competent jurisdiction to recover a penalty or fee imposed by a
4 county under this subchapter.

5 SECTION 4. Articles 103.0031(a), (b), and (f), Code of
6 Criminal Procedure, are amended to read as follows:

7 (a) The commissioners court of a county or the governing
8 body of a municipality may enter into a contract with a private
9 attorney or a public or private vendor for the provision of
10 collection services for one or more of the following items:

11 (1) debts and accounts receivable such as unpaid
12 fines, fees, court costs, forfeited bonds, and restitution ordered
13 paid by:

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

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

18 (2) amounts in cases in which the accused has failed to
19 appear:

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

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

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

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

1 (E) as specified in a citation, summons, or other
2 notice authorized by Section 682.002, Transportation Code, that
3 charges the accused with a parking or stopping offense; and

4 (3) false alarm penalties or fees imposed by a county
5 under Chapter 118 or 233, Local Government Code, or by a
6 municipality under a municipal ordinance.

7 (b) A commissioners court or governing body of a
8 municipality that enters into a contract with a private attorney or
9 private vendor under this article may authorize the addition of a
10 collection fee in the amount of 30 percent on each item described in
11 Subsection (a) that is more than 60 days past due and has been
12 referred to the attorney or vendor for collection. The collection
13 fee does not apply to a case that has been dismissed by a court of
14 competent jurisdiction or to any amount that has been satisfied
15 through time-served credit or community service. The collection
16 fee may be applied to any balance remaining after a partial credit
17 for time served or community service if the balance is more than 60
18 days past due. Unless the contract provides otherwise, the court
19 shall calculate the amount of any collection fee due to the
20 governmental entity or to the private attorney or ~~[public or]~~
21 private vendor performing the collection services and shall receive
22 all fees, including the collection fee. With respect to cases
23 described by Subsection (a)(2), the amount to which the 30 percent
24 collection fee applies is:

25 (1) the amount to be paid that is communicated to the
26 accused as acceptable to the court under its standard policy for
27 resolution of the case, if the accused voluntarily agrees to pay

1 that amount; or

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

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

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

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

16 (3) with respect to an item described by Subsection
17 (a)(3), the date on which a penalty or fee is due under a rule or
18 order adopted under Chapter 233, Local Government Code, or an
19 ordinance, policy, procedure, or rule of a municipality.

20 SECTION 5. Section 233.092(b), Local Government Code, is
21 repealed.

22 SECTION 6. The changes in law made by this Act by adding
23 Section 233.098, Local Government Code, and by amending Articles
24 103.0031(a) and (f), Code of Criminal Procedure, apply to a penalty
25 or fee that is imposed in relation to a false alarm occurring
26 before, on, or after the effective date of this Act and that is
27 unpaid on or after that date.

1 SECTION 7. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.