

1-1 By: Smith of Harris (Senate Sponsor - Lindsay) H.B. No. 2626
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 19, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 19, 2005, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the penalties and fees imposed by municipalities and
1-10 counties in relation to certain false alarms.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 118.133, Local Government
1-13 Code, is amended to read as follows:

1-14 Sec. 118.133. SHERIFF'S AND CONSTABLE'S RESPONSE TO FALSE
1-15 ALARM IN POPULOUS COUNTY.

1-16 SECTION 2. Sections 118.133(a) and (c), Local Government
1-17 Code, are amended to read as follows:

1-18 (a) The commissioners court of a county with a population of
1-19 more than 3.3 million by order may adopt a system by which the
1-20 county charges a fee if the sheriff's or constable's office of the
1-21 county responds to a security alarm and the emergency for which the
1-22 alarm device was designed to give notice does not exist.

1-23 (c) The commissioners court shall set the amount of the fee.
1-24 The court may set a single fee that is charged for each response to a
1-25 false alarm or may establish a fee structure under which different
1-26 fees are charged according to the differing circumstances of each
1-27 false alarm. However, the amount of a fee may not exceed the amount
1-28 of the actual costs incurred by the sheriff's or constable's office
1-29 in responding to the alarm.

1-30 SECTION 3. Subchapter D, Chapter 233, Local Government
1-31 Code, is amended by adding Section 233.098 to read as follows:

1-32 Sec. 233.098. ENFORCED COLLECTION. The appropriate
1-33 attorney representing the county may file a civil action in a court
1-34 of competent jurisdiction to recover a penalty or fee imposed by a
1-35 county under this subchapter.

1-36 SECTION 4. Articles 103.0031(a), (b), and (f), Code of
1-37 Criminal Procedure, are amended to read as follows:

1-38 (a) The commissioners court of a county or the governing
1-39 body of a municipality may enter into a contract with a private
1-40 attorney or a public or private vendor for the provision of
1-41 collection services for one or more of the following items:

1-42 (1) debts and accounts receivable such as unpaid
1-43 fines, fees, court costs, forfeited bonds, and restitution ordered
1-44 paid by:

1-45 (A) a court serving the county or a court serving
1-46 the municipality, as applicable; or

1-47 (B) a hearing officer serving the municipality
1-48 under Chapter 682, Transportation Code; ~~and~~

1-49 (2) amounts in cases in which the accused has failed to
1-50 appear:

1-51 (A) as promised under Subchapter A, Chapter 543,
1-52 Transportation Code, or other law;

1-53 (B) in compliance with a lawful written notice to
1-54 appear issued under Article 14.06(b) or other law;

1-55 (C) in compliance with a lawful summons issued
1-56 under Article 15.03(b) or other law;

1-57 (D) in compliance with a lawful order of a court
1-58 serving the county or municipality; or

1-59 (E) as specified in a citation, summons, or other
1-60 notice authorized by Section 682.002, Transportation Code, that
1-61 charges the accused with a parking or stopping offense; and

1-62 (3) false alarm penalties or fees imposed by a county
1-63 under Chapter 118 or 233, Local Government Code, or by a
1-64 municipality under a municipal ordinance.

2-1 (b) A commissioners court or governing body of a
2-2 municipality that enters into a contract with a private attorney or
2-3 private vendor under this article may authorize the addition of a
2-4 collection fee in the amount of 30 percent on each item described in
2-5 Subsection (a) that is more than 60 days past due and has been
2-6 referred to the attorney or vendor for collection. The collection
2-7 fee does not apply to a case that has been dismissed by a court of
2-8 competent jurisdiction or to any amount that has been satisfied
2-9 through time-served credit or community service. The collection
2-10 fee may be applied to any balance remaining after a partial credit
2-11 for time served or community service if the balance is more than 60
2-12 days past due. Unless the contract provides otherwise, the court
2-13 shall calculate the amount of any collection fee due to the
2-14 governmental entity or to the private attorney or ~~public or~~
2-15 private vendor performing the collection services and shall receive
2-16 all fees, including the collection fee. With respect to cases
2-17 described by Subsection (a)(2), the amount to which the 30 percent
2-18 collection fee applies is:

2-19 (1) the amount to be paid that is communicated to the
2-20 accused as acceptable to the court under its standard policy for
2-21 resolution of the case, if the accused voluntarily agrees to pay
2-22 that amount; or

2-23 (2) the amount ordered paid by the court after plea or
2-24 trial.

2-25 (f) An item subject to collection services under Subsection
2-26 (a) and to the additional collection fee authorized by Subsection
2-27 (b) is considered more than 60 days past due under Subsection (b) if
2-28 it remains unpaid on the 61st day after the following appropriate
2-29 date:

2-30 (1) with respect to an item described by Subsection
2-31 (a)(1), the date on which the debt, fine, fee, forfeited bond, or
2-32 court cost must be paid in full as determined by the court or
2-33 hearing officer; ~~or~~

2-34 (2) with respect to an item described by Subsection
2-35 (a)(2), the date by which the accused promised to appear or was
2-36 notified, summoned, or ordered to appear; or

2-37 (3) with respect to an item described by Subsection
2-38 (a)(3), the date on which a penalty or fee is due under a rule or
2-39 order adopted under Chapter 233, Local Government Code, or an
2-40 ordinance, policy, procedure, or rule of a municipality.

2-41 SECTION 5. Section 233.092(b), Local Government Code, is
2-42 repealed.

2-43 SECTION 6. The changes in law made by this Act by adding
2-44 Section 233.098, Local Government Code, and by amending Articles
2-45 103.0031(a) and (f), Code of Criminal Procedure, apply to a penalty
2-46 or fee that is imposed in relation to a false alarm occurring
2-47 before, on, or after the effective date of this Act and that is
2-48 unpaid on or after that date.

2-49 SECTION 7. This Act takes effect immediately if it receives
2-50 a vote of two-thirds of all the members elected to each house, as
2-51 provided by Section 39, Article III, Texas Constitution. If this
2-52 Act does not receive the vote necessary for immediate effect, this
2-53 Act takes effect September 1, 2005.

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