

A BILL TO BE ENTITLED

AN ACT

relating to the collection of certain costs, fees, and fines in criminal cases.

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

SECTION 1. Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0033 to read as follows:

Art. 103.0033. COLLECTION IMPROVEMENT PROGRAM. (a) In this article:

(1) "Office" means the Office of Court Administration of the Texas Judicial System.

(2) "Program" means the program to improve the collection of court costs, fees, and fines imposed in criminal cases, as developed and implemented under this article.

(b) This article applies only to:

(1) a county with a population of 50,000 or greater;  
and

(2) a municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each county and municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county program must include district, county, and justice courts.

(d) The program must consist of:

1           (1) a component that conforms with a model developed  
2 by the office and designed to improve in-house collections through  
3 application of best practices; and

4           (2) a component designed to improve collection of  
5 balances more than 60 days past due, which may be implemented by  
6 entering into a contract with a private attorney or public or  
7 private vendor in accordance with Article 103.0031.

8           (e) Not later than June 1 of each year, the office shall  
9 identify those counties and municipalities that:

10           (1) have not implemented a program; and

11           (2) are able to implement a program before April 1 of  
12 the following year.

13           (f) The comptroller, in cooperation with the office, shall  
14 develop a methodology for determining the collection rate of  
15 counties and municipalities described by Subsection (e) before  
16 implementation of a program. The comptroller shall determine the  
17 rate for each county and municipality not later than the first  
18 anniversary of the county's or municipality's adoption of a  
19 program.

20           (g) The office shall:

21           (1) make available on the office's Internet website  
22 requirements for a program; and

23           (2) assist counties and municipalities in  
24 implementing a program by providing training and consultation,  
25 except that the office may not provide employees for implementation  
26 of a program.

27           (h) The office, in consultation with the comptroller, may:

1           (1) use case dispositions, population, revenue data,  
2 or other appropriate measures to develop a prioritized  
3 implementation schedule for programs; and

4           (2) determine whether it is not cost-effective to  
5 implement a program in a county or municipality and grant a waiver  
6 to the county or municipality.

7           (i) Each county and municipality shall at least annually  
8 submit to the office and the comptroller a written report that  
9 includes updated information regarding the program, as determined  
10 by the office in cooperation with the comptroller. The report must  
11 be in a form approved by the office in cooperation with the  
12 comptroller.

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

19           SECTION 2. Section 133.058, Local Government Code, is  
20 amended by adding Subsection (e) to read as follows:

21           (e) A municipality or county may not retain a service fee  
22 if, during an audit under Section 133.059 of this code or Article  
23 103.0033(j), Code of Criminal Procedure, the comptroller  
24 determines that the municipality or county is not in compliance  
25 with Article 103.0033, Code of Criminal Procedure. The  
26 municipality or county may continue to retain a service fee under  
27 this section on receipt of a written confirmation from the

1 comptroller that the municipality or county is in compliance with  
2 Article 103.0033, Code of Criminal Procedure.

3 SECTION 3. Section 133.103, Local Government Code, is  
4 amended by amending Subsections (b) and (c) and adding Subsection  
5 (c-1) to read as follows:

6 (b) Except as provided by Subsection (c-1), the [The]  
7 treasurer shall send 50 percent of the fees collected under this  
8 section to the comptroller. The comptroller shall deposit the fees  
9 received to the credit of the general revenue fund.

10 (c) Except as provided by Subsection (c-1), the [The]  
11 treasurer shall deposit 10 percent of the fees collected under this  
12 section in the general fund of the county or municipality for the  
13 purpose of improving the efficiency of the administration of  
14 justice in the county or municipality. The county or municipality  
15 shall prioritize the needs of the judicial officer who collected  
16 the fees when making expenditures under this subsection and use the  
17 money deposited to provide for those needs.

18 (c-1) The treasurer shall send 100 percent of the fees  
19 collected under this section to the comptroller if, during an audit  
20 under Section 133.059 of this code or Article 103.0033(j), Code of  
21 Criminal Procedure, the comptroller determines that the  
22 municipality or county is not in compliance with Article 103.0033,  
23 Code of Criminal Procedure. The municipality or county shall  
24 continue to dispose of fees as otherwise provided by this section on  
25 receipt of a written confirmation from the comptroller that the  
26 municipality or county is in compliance with Article 103.0033, Code  
27 of Criminal Procedure.

1           SECTION 4. (a) Notwithstanding Subsection (e), Article  
2 103.0033, Code of Criminal Procedure, as added by this Act, not  
3 later than September 1, 2005, the Office of Court Administration of  
4 the Texas Judicial System shall identify those counties and  
5 municipalities that are able to implement a collection improvement  
6 program under Article 103.0033, Code of Criminal Procedure, as  
7 amended by this Act, before April 1, 2006. Beginning June 1, 2006,  
8 the Office of Court Administration of the Texas Judicial System  
9 shall comply with Subsection (e), Article 103.0033, Code of  
10 Criminal Procedure, as added by this Act.

11           (b) Not later than September 1, 2005, the Office of Court  
12 Administration of the Texas Judicial System shall make available on  
13 the office's Internet website requirements for a program under  
14 Article 103.0033, Code of Criminal Procedure, as amended by this  
15 Act, in accordance with Subsection (g) of that article.

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