

By: Barrientos

S.B. No. 978

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. Article 103.0031(c), Code of Criminal Procedure, is amended to read as follows:

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

(1) the employees are performing the collection services in place of a private attorney or a public or private vendor for one or more of the items described by Subsection (a); and

(2) the collection program complies with Article 103.0032.

SECTION 2. Article 103.0032, Code of Criminal Procedure, is amended to read as follows:

Sec. 103.0032. COLLECTION IMPROVEMENT PROGRAM [~~PLANS~~]. (a)
In this section:

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

(2) "Program" means a collection improvement program developed and implemented under this article.

(b) As soon as practicable, each county and municipality

1 shall develop and implement a program to improve the collection of
2 court costs, fees, and fines imposed in criminal cases. The program
3 must comply with any requirements of the office. A county program
4 must include district, county, and justice courts.

5 (c) Not later than June 1 of each year, the office shall
6 identify those counties and municipalities that:

7 (1) have not implemented a program; and

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

10 (d) The comptroller, in cooperation with the office, shall
11 determine an appropriate collection rate for use by counties and
12 municipalities that have not implemented a program. Each county
13 and municipality is required to use the rate determined under this
14 subsection until the county or municipality implements a program.

15 (e) The office shall:

16 (1) make available on the office Internet website
17 requirements for a program; and

18 (2) assist counties and municipalities in
19 implementing a program by providing training and consultation,
20 except that the office may not provide employees for implementation
21 of a program.

22 (f) The office may use case dispositions, population,
23 revenue data, or other appropriate measures to develop a
24 prioritized implementation schedule for programs.

25 (g) Not later than January 1 of each even-numbered year, the
26 office [~~Office of Court Administration of the Texas Judicial~~
27 ~~System~~] may award grants to counties and municipalities to prepare

1 a collection program [~~plan~~]. The grants shall reimburse the county
2 or municipality for the cost of preparing the program [~~plan~~]. [~~The~~
3 ~~plan shall provide methods to improve the collection of court~~
4 ~~costs, fees, and fines imposed in criminal cases.~~] The office
5 [~~Office of Court Administration of the Texas Judicial System~~] may
6 require that the county or municipality reimburse the state from
7 the additional collections as a condition of the grant.

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

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

20 SECTION 3. Section 133.058, Local Government Code, is
21 amended by adding Subsection (e) to read as follows:

22 (e) A municipality or county may not retain a service fee
23 if, during an audit under Section 133.059 of this code or Article
24 103.0032(i), Code of Criminal Procedure, the comptroller
25 determines that the municipality or county is not in compliance
26 with Article 103.0032, Code of Criminal Procedure. The
27 municipality or county may continue to retain a service fee under

1 this section on receipt of a written confirmation from the
2 comptroller that the municipality or county is in compliance with
3 Article 103.0032, Code of Criminal Procedure.

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

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

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

19 (c-1) The treasurer shall send 100 percent of the fees
20 collected under this section to the comptroller if, during an audit
21 under Section 133.059 of this code or Article 103.0032(i), Code of
22 Criminal Procedure, the comptroller determines that the
23 municipality or county is not in compliance with Article 103.0032,
24 Code of Criminal Procedure. The municipality or county shall
25 continue to dispose of fees as otherwise provided by this section on
26 receipt of a written confirmation from the comptroller that the
27 municipality or county is in compliance with Article 103.0032, Code

1 of Criminal Procedure.

2 SECTION 5. (a) Notwithstanding Article 103.0032(c), Code
3 of Criminal Procedure, as added by this Act, not later than
4 September 1, 2005, the Office of Court Administration of the Texas
5 Judicial System shall identify those counties and municipalities
6 that are able to implement a collection improvement program under
7 Article 103.0032, Code of Criminal Procedure, as amended by this
8 Act, before April 1, 2006. Beginning June 1, 2006, the Office of
9 Court Administration of the Texas Judicial System shall comply with
10 Article 103.0032(c), Code of Criminal Procedure, as added by this
11 Act.

12 (b) Not later than September 1, 2005, the Office of Court
13 Administration of the Texas Judicial System shall make available on
14 the office Internet website requirements for a program under
15 Article 103.0032, Code of Criminal Procedure, as amended by this
16 Act, in accordance with Subsection (e) of that article.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.