

1-1 By: Barrientos S.B. No. 978
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Jurisprudence; May 2, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 978 By: Wentworth

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

1-9 relating to the collection of certain costs, fees, and fines in
1-10 criminal cases.

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

1-12 SECTION 1. Article 103.0032, Code of Criminal Procedure, is
1-13 amended to read as follows:

1-14 Art. 103.0032. COLLECTION IMPROVEMENT PROGRAM [~~PLANS~~].

1-15 (a) In this article:

1-16 (1) "Office" means the Office of Court Administration
1-17 of the Texas Judicial System.

1-18 (2) "Program" means the program to improve the
1-19 collection of court costs, fees, and fines imposed in criminal
1-20 cases, as developed and implemented under this article.

1-21 (b) Unless granted a waiver under Subsection (g), each
1-22 county and municipality shall develop and implement a program that
1-23 complies with the prioritized implementation schedule under
1-24 Subsection (g). A county program must include district, county,
1-25 and justice courts.

1-26 (c) The program must consist of:

1-27 (1) a component that conforms with a model developed
1-28 by the office and designed to improve in-house collections through
1-29 application of best practices; and

1-30 (2) a component designed to improve collection of
1-31 balances more than 60 days past due, which may be implemented by
1-32 entering into a contract with a private attorney or public or
1-33 private vendor in accordance with Article 103.0031.

1-34 (d) Not later than June 1 of each year, the office shall
1-35 identify those counties and municipalities that:

1-36 (1) have not implemented a program; and

1-37 (2) are able to implement a program before April 1 of
1-38 the following year.

1-39 (e) The comptroller, in cooperation with the office, shall
1-40 develop a methodology for determining the collection rate of
1-41 counties and municipalities described by Subsection (d) before
1-42 implementation of a program. The comptroller shall determine the
1-43 rate for each county and municipality not later than the first
1-44 anniversary of the county's or municipality's adoption of a
1-45 program.

1-46 (f) The office shall:

1-47 (1) make available on the office's Internet website
1-48 requirements for a program; and

1-49 (2) assist counties and municipalities in
1-50 implementing a program by providing training and consultation,
1-51 except that the office may not provide employees for implementation
1-52 of a program.

1-53 (g) The office, in consultation with the comptroller, may:

1-54 (1) use case dispositions, population, revenue data,
1-55 or other appropriate measures to develop a prioritized
1-56 implementation schedule for programs; and

1-57 (2) determine whether it is not cost-effective to
1-58 implement a program in a county or municipality and grant a waiver
1-59 to the county or municipality.

1-60 (h) Not later than January 1 of each even-numbered year, the
1-61 office [~~Office of Court Administration of the Texas Judicial~~
1-62 ~~System~~] may award grants to counties and municipalities to prepare
1-63 a collection program [~~plan~~]. The grants shall reimburse the county

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

2-7 (i) Each county and municipality shall at least annually
 2-8 submit to the office and the comptroller a written report that
 2-9 includes updated information regarding the program, as determined
 2-10 by the office in cooperation with the comptroller. The report must
 2-11 be in a form approved by the office in cooperation with the
 2-12 comptroller.

2-13 (j) The comptroller shall periodically audit counties and
 2-14 municipalities to verify information reported under Subsection (i)
 2-15 and confirm that the county or municipality is conforming with
 2-16 requirements relating to the program. The comptroller shall
 2-17 consult with the office in determining how frequently to conduct
 2-18 audits under this subsection.

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

2-21 (e) A municipality or county may not retain a service fee
 2-22 if, during an audit under Section 133.059 of this code or Article
 2-23 103.0032(j), Code of Criminal Procedure, the comptroller
 2-24 determines that the municipality or county is not in compliance
 2-25 with Article 103.0032, Code of Criminal Procedure. The
 2-26 municipality or county may continue to retain a service fee under
 2-27 this section on receipt of a written confirmation from the
 2-28 comptroller that the municipality or county is in compliance with
 2-29 Article 103.0032, Code of Criminal Procedure.

2-30 SECTION 3. Section 133.103, Local Government Code, is
 2-31 amended by amending Subsections (b) and (c) and adding Subsection
 2-32 (c-1) to read as follows:

2-33 (b) Except as provided by Subsection (c-1), the [The]
 2-34 treasurer shall send 50 percent of the fees collected under this
 2-35 section to the comptroller. The comptroller shall deposit the fees
 2-36 received to the credit of the general revenue fund.

2-37 (c) Except as provided by Subsection (c-1), the [The]
 2-38 treasurer shall deposit 10 percent of the fees collected under this
 2-39 section in the general fund of the county or municipality for the
 2-40 purpose of improving the efficiency of the administration of
 2-41 justice in the county or municipality. The county or municipality
 2-42 shall prioritize the needs of the judicial officer who collected
 2-43 the fees when making expenditures under this subsection and use the
 2-44 money deposited to provide for those needs.

2-45 (c-1) The treasurer shall send 100 percent of the fees
 2-46 collected under this section to the comptroller if, during an audit
 2-47 under Section 133.059 of this code or Article 103.0032(j), Code of
 2-48 Criminal Procedure, the comptroller determines that the
 2-49 municipality or county is not in compliance with Article 103.0032,
 2-50 Code of Criminal Procedure. The municipality or county shall
 2-51 continue to dispose of fees as otherwise provided by this section on
 2-52 receipt of a written confirmation from the comptroller that the
 2-53 municipality or county is in compliance with Article 103.0032, Code
 2-54 of Criminal Procedure.

2-55 SECTION 4. (a) Notwithstanding Subsection (d), Article
 2-56 103.0032, Code of Criminal Procedure, as added by this Act, not
 2-57 later than September 1, 2005, the Office of Court Administration of
 2-58 the Texas Judicial System shall identify those counties and
 2-59 municipalities that are able to implement a collection improvement
 2-60 program under Article 103.0032, Code of Criminal Procedure, as
 2-61 amended by this Act, before April 1, 2006. Beginning June 1, 2006,
 2-62 the Office of Court Administration of the Texas Judicial System
 2-63 shall comply with Subsection (d), Article 103.0032, Code of
 2-64 Criminal Procedure, as added by this Act.

2-65 (b) Not later than September 1, 2005, the Office of Court
 2-66 Administration of the Texas Judicial System shall make available on
 2-67 the office's Internet website requirements for a program under
 2-68 Article 103.0032, Code of Criminal Procedure, as amended by this
 2-69 Act, in accordance with Subsection (f) of that article.

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

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