

BILL ANALYSIS

C.S.H.B. 3858
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law a collection fee only applies to contracts with outside vendors or municipalities with a population of more than 1.9 million. Committee Substitute to House Bill 3858 will allow for the application of a collection fee by a county or municipality who choose to operate a collections department.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3858 amends the Code of Criminal Procedure to allow a governing body of a county or municipality, by order or ordinance, to require a defendant who is delinquent in paying a court cost on conviction to pay as an additional court cost a fine of \$50 to be used to support the collection of fees, fines, or costs of court in criminal cases. These court costs must be collected in the same manner that other fines and costs in the case are collected. The bill also provides that any ordinance or order must authorize a judge or justice to waive the fine in a case of financial hardship. In Article 102.0175, Code of Criminal Procedure, a defendant is considered to be delinquent in paying a court cost on conviction if the defendant does not pay the court cost before the 60th day after the date the cost was due. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute allows a governing body of a county or municipality, by order or ordinance, to require a defendant who is delinquent in paying a court cost on conviction to pay as an additional court cost a fine of \$50 to be used to support the collection of fees, fines, or costs of court in criminal cases. These court costs must be collected in the same manner that other fines and costs in the case are collected. The original stated that an officer listed in Article 103.003 with the approval of the commissioners court or governing body of a municipality may assess a collection fee for the collection of fines, fees, restitution, or other costs imposed by a court. The fee may not exceed \$50 for each case. The commissioners court or governing body of a municipality shall use the fee collected to enhance overall collections of the county or municipality.

The substitute adds that any ordinance or order must authorize a judge or justice to waive the fine in a case of financial hardship. The substitute also adds that in Article 102.0175, Code of Criminal Procedure, a defendant is considered to be delinquent in paying a court cost on conviction if the defendant does not pay the court cost before the 60th day after the date the cost was due. The original did not contain these provisions.