

BILL ANALYSIS

Senate Research Center
80R12933 JPL-F

C.S.S.B. 280
By: Gallegos, Carona
Jurisprudence
4/19/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires counties and municipalities that meet certain population requirements to implement the Office of Court Administration (OCA) of the Texas Judicial System's ten-point model in programs created to improve the collection of court costs, fees, and fines imposed in criminal cases.

C.S.S.B. 280 removes the requirement that a program conform with a model developed by OCA, and requires the comptroller of public accounts (comptroller), in consultation with OCA and a representative judge from a county or municipality, to create collection programs for those counties and municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 103.0033(a), Code of Criminal Procedure, by adding Subdivision (3) to define "participating county or municipality."

SECTION 2. Amends Article 103.0033, Code of Criminal Procedure, by amending Subsections (b), (d), and (g) through (j), and adding Subsections (k) and (l), as follows:

(b) Authorizes a county or municipality to choose to develop and implement a program under this article (Collection Improvement Program). Deletes existing text providing to whom this article applies.

(d) and (g) Makes nonsubstantive changes.

(h) Authorizes the comptroller of public accounts (comptroller), using the methodology developed in cooperation with the Office of Court Administration (OCA) of the Texas Judicial System before September 1, 2007, to determine the collection rate of a participating county or municipality (participant) before or after the first anniversary of the date that the participant implements the program. Deletes existing text authorizing OCA, in consultation with the comptroller, to take certain actions set forth in this subsection.

(i) Requires each participant and each county or municipality described by Subsection (l) to submit to OCA and the comptroller a report on collection activity monthly in a form determined by OCA in cooperation with the comptroller. Requires the report to be submitted to OCA not later than the 20th day after the last day of the month covered by the report. Deletes existing text providing previous specifics of the report.

(j) Deletes existing text requiring the comptroller to periodically audit participants to confirm that the participant is conforming with program requirements. Makes conforming and nonsubstantive changes.

(k) Requires OCA to conduct an annual review to determine whether a participant is complying with program requirements. Authorizes a participant, if OCA determines that

the participant is not in such compliance, to request that the comptroller conduct a compliance audit. Requires the comptroller to conduct such an audit, and provides that the comptroller's determination of the participant's compliance with program requirements is final.

(l) Requires each county with a population of 50,000 or more and each municipality with a population of 100,000 or more to submit to OCA a report on collection activity as described in Subsection (i) monthly, regardless of whether a county or municipality is a participant.

SECTION 3. Amends Section 54.0411(e), Family Code, to authorize a county to retain an additional three percent of the funds as a service fee in accordance with Section 133.058, Local Government Code.

SECTION 4. Amends the heading to Section 133.058, Local Government Code, to read as follows:

Sec. 133.058. PORTION OF FEE AND OF CERTAIN COSTS RETAINED.

SECTION 5. Amends Section 133.058, Local Government Code, by amending Subsection (e) and adding Subsections (f), (g), and (h), as follows:

(e) Authorizes a participant to retain, as a service fee, three percent of the money collected for each of the fees and costs listed in Subsection (f) for each quarter of a year if the participant meets certain conditions. Deletes existing text related to the prohibition of a participant retaining a service fee if the comptroller determined that the participant was not in compliance with Article 103.0033, Code of Criminal Procedure.

(f) Sets forth the fees and costs of which a participant is authorized to retain three percent, for the purposes of Subsection (e).

(g) Sets forth the fees and costs to be considered for the purposes of Subsection (e)(2) (regarding the collection of an amount due to the state from certain fees and costs that is equal to or greater than 105.55 percent of the amount due to the state collected from such fees and costs during the same quarter of a certain baseline year), except as provided by Subsection (h).

(h) Provides that a cost, fee, or fine listed in Subsection (g) is not available for retention under Subsection (e) if the cost, fee, or fine did not exist during the relevant quarter of the applicable baseline year.

SECTION 6. Repealer: Articles 103.0033(c) (requiring each county and municipality to develop and implement a program that complies with the prioritized implementation schedule of this article), (e) (requiring OCA by a certain date to identify certain counties and municipalities that have not implemented a program), and (f) (requiring the comptroller to develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program by a certain date), Code of Criminal Procedure.

SECTION 7. Requires OCA and the Texas Judicial System to develop and make available on OCA's website a program, in accordance with Article 103.0033(g), Code of Criminal Procedure, as amended by this Act, not later than December 31, 2007.

SECTION 8. Effective date: September 1, 2007.