

By: Gallegos, et al.

S.B. No. 280

Substitute the following for S.B. No. 280:

By: Pena

C.S.S.B. No. 280

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the program for improvement of collection of court
3 costs, fees, and fines imposed in criminal cases.

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

5 SECTION 1. Article 103.0033(a), Code of Criminal Procedure,
6 is amended by adding Subdivision (3) to read as follows:

7 (3) "Participating county or municipality" means a
8 county or municipality that chooses to develop and implement a
9 program under Subsection (b).

10 SECTION 2. Article 103.0033, Code of Criminal Procedure, is
11 amended by amending Subsections (b), (d), and (g) through (j) and
12 adding Subsections (k) and (l) to read as follows:

13 (b) A [~~This article applies only to:~~

14 [~~(1) a~~] county [~~with a population of 50,000~~] or
15 [~~greater, and~~

16 [~~(2) a~~] municipality may choose to develop and
17 implement a program under this article [~~with a population of~~
18 ~~100,000 or greater~~].

19 (d) The program must consist of:

20 (1) a component that conforms with the [~~a~~] model
21 developed by the office and designed to improve in-house
22 collections through application of best practices; and

23 (2) a component designed to improve collection of
24 balances more than 60 days past due, which may be implemented by

1 entering into a contract with a private attorney or public or
2 private vendor in accordance with Article 103.0031.

3 (g) The office shall:

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

6 (2) assist counties and municipalities in
7 implementing a program by providing training and consultation,
8 except that the office may not provide employees for implementation
9 of a program.

10 (h) The comptroller [office], using the methodology
11 developed in cooperation [consultation] with the office before
12 September 1, 2007 [comptroller], may determine the collection rate
13 of a participating county or municipality:

14 (1) before the county or municipality implements the
15 program [use case dispositions, population, revenue data, or other
16 appropriate measures to develop a prioritized implementation
17 schedule for programs]; and

18 (2) after the first anniversary of the date that the
19 county or municipality implements the program [determine whether it
20 is not cost-effective to implement a program in a county or
21 municipality and grant a waiver to the county or municipality].

22 (i) Each participating county or [and] municipality and
23 each county or municipality described by Subsection (1) shall [at
24 least annually] submit monthly to the office and the comptroller a
25 [written] report on collection activity in a form [that includes
26 updated information regarding the program, as] determined by the
27 office in cooperation with the comptroller. The report must be

1 submitted to [~~in a form approved by~~] the office not later than the
2 20th day after the last day of the month covered by the report [~~in~~
3 ~~cooperation with the comptroller~~].

4 (j) The comptroller shall periodically audit participating
5 counties and municipalities to verify the information reported
6 under Subsection (i) [~~and confirm that the county or municipality~~
7 ~~is conforming with requirements relating to the program~~]. The
8 comptroller shall consult with the office in determining how
9 frequently to conduct audits under this section.

10 (k) The office shall conduct an annual review to determine
11 whether a participating county or municipality is complying with
12 the program requirements. If the office determines that a
13 participating county or municipality is not complying with the
14 program requirements, the county or municipality may request that
15 the comptroller conduct a compliance audit. The comptroller shall
16 conduct a compliance audit requested under this subsection. The
17 comptroller's determination of the county or municipality's
18 compliance with the program requirements is final.

19 (l) Each county with a population of 50,000 or more and each
20 municipality with a population of 100,000 or more shall submit
21 monthly to the office a report on collection activity as described
22 in Subsection (i), regardless of whether the county or municipality
23 is a participating county or municipality.

24 SECTION 3. Section 54.0411(e), Family Code, is amended to
25 read as follows:

26 (e) The custodian of the county treasury may deposit the
27 funds collected under this section in interest-bearing accounts.

1 The custodian shall keep records of the amount of funds on deposit
2 collected under this section and not later than the last day of the
3 month following each calendar quarter shall send to the comptroller
4 of public accounts the funds collected under this section during
5 the preceding quarter. A county may retain 10 percent of the funds
6 as a service fee and may retain the interest accrued on the funds if
7 the custodian of a county treasury keeps records of the amount of
8 funds on deposit collected under this section and remits the funds
9 to the comptroller within the period prescribed under this
10 subsection. A county may retain an additional three percent of the
11 funds as a service fee in accordance with Section 133.058(e), Local
12 Government Code.

13 SECTION 4. The heading to Section 133.058, Local Government
14 Code, is amended to read as follows:

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

16 SECTION 5. Section 133.058, Local Government Code, is
17 amended by amending Subsection (e) and adding Subsection (f) to
18 read as follows:

19 (e) For each quarter of a year, a municipality or county
20 that is a participating county or municipality for the purposes of
21 Article 103.0033, Code of Criminal Procedure, may retain, as a
22 service fee, an additional three percent of the money collected for
23 each of the fees and costs listed in Subsection (f) if the
24 municipality or county:

25 (1) was found to be in compliance with the program
26 during the most recent review of the program under Article
27 103.0033(k), Code of Criminal Procedure; and

1 (2) remits the remainder of those fees and costs to the
2 comptroller within the period prescribed by Section 133.055(a) [A
3 municipality or county may not retain a service fee if, during an
4 audit under Section 133.059 of this code or Article 103.0033(j),
5 Code of Criminal Procedure, the comptroller determines that the
6 municipality or county is not in compliance with Article 103.0033,
7 Code of Criminal Procedure. The municipality or county may
8 continue to retain a service fee under this section on receipt of a
9 written confirmation from the comptroller that the municipality or
10 county is in compliance with Article 103.0033, Code of Criminal
11 Procedure].

12 (f) For the purposes of Subsection (e), the fees and costs
13 of which a municipality or county may retain three percent are:

14 (1) the fee for jury reimbursement to counties under
15 Article 102.0045, Code of Criminal Procedure;

16 (2) the additional costs attendant to intoxication
17 convictions under Article 102.0185, Code of Criminal Procedure;

18 (3) the costs on conviction for offenses requiring DNA
19 testing under Article 102.020, Code of Criminal Procedure;

20 (4) the juvenile probation diversion fee under Section
21 54.0411, Family Code;

22 (5) the fee described by Section 41.258(b), Government
23 Code; and

24 (6) the fees on conviction described by Section
25 133.102(a).

26 SECTION 6. Articles 103.0033(c), (e), and (f), Code of
27 Criminal Procedure, are repealed.

1 SECTION 7. Not later than December 31, 2007, the Office of
2 Court Administration of the Texas Judicial System shall develop and
3 make available on the office's Internet website a program, in
4 accordance with Subsection (g), Article 103.0033, Code of Criminal
5 Procedure, as amended by this Act.

6 SECTION 8. This Act takes effect September 1, 2007.