

By: Gallegos

S.B. No. 280

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 103.0033, Code of Criminal Procedure, is amended by amending Subsections (a), (c), (d), (g), and (h) and adding Subsections (k) through (n) to read as follows:

(a) In this article:

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

(2) "Program" means activities designed ~~[the program]~~ to improve the collection of court costs, fees, and fines imposed in criminal cases, as developed and implemented under this article.

(3) "Good faith" means honesty in fact and intention and the observance of reasonable professional standards.

(c) Unless granted a waiver under Subsection (h), each county and municipality shall develop and implement a program that complies with the ~~[prioritized]~~ implementation schedule under Subsection (h). A county program must include district, county, and justice courts.

(d) The program must consist of:

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

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

5 (g) The office shall:

6 (1) develop and make available on the office's
7 Internet website a model ~~[requirements]~~ for a program; and

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

12 (h) The comptroller ~~[office]~~, in consultation with the
13 office ~~[comptroller]~~, and, in the case of a county, the regional
14 presiding judge and a local administrative judge, and in the case of
15 a municipality, the presiding municipal judge ~~[may]~~:

16 (1) may use case dispositions, population, revenue
17 data, or other appropriate measures to develop an ~~[a prioritized]~~
18 implementation schedule for programs; ~~[and]~~

19 (2) may determine whether it is not cost-effective to
20 implement a program in a county or municipality and, if it is not
21 cost-effective, grant a waiver to the county or municipality; and

22 (3) when developing an implementation schedule under
23 Subdivision (1) and evaluating cost-effectiveness under
24 Subdivision (2), shall take into consideration the good faith
25 efforts of a county or municipality to implement a program.

26 (k) This article does not apply to a court cost, fine, or fee
27 ordered to be paid or paid as a condition of community supervision

1 under Article 42.12, Code of Criminal Procedure.

2 (1) This article does not limit the discretion of the judge
3 under Article 42.15 or 45.041, Code of Criminal Procedure, to
4 direct a defendant to pay a fine or make restitution at a certain
5 time or in a certain manner.

6 (m) This article does not require a commissioners court or
7 the governing body of a municipality to expend funds from the county
8 or municipal treasury to implement a program.

9 (n) A county or municipality may not be assessed a penalty
10 for failure to implement a collection improvement program before
11 the date by which the office has determined the county or
12 municipality is able to implement a program.

13 SECTION 2. (a) Notwithstanding Subsection (e), Article
14 103.0033, Code of Criminal Procedure, not later than September 1,
15 2007, the Office of Court Administration of the Texas Judicial
16 System shall identify those counties and municipalities that are
17 able to implement a collection improvement program under Article
18 103.0033, Code of Criminal Procedure, as amended by this Act,
19 before April 1, 2008. Beginning June 1, 2008, the Office of Court
20 Administration of the Texas Judicial System shall resume evaluating
21 counties and municipalities under Subsection (e), Article
22 103.0033, Code of Criminal Procedure.

23 (b) Not later than December 31, 2007, the Office of Court
24 Administration of the Texas Judicial System shall develop and make
25 available on the office's Internet website a model program, in
26 accordance with Subsection (g), Article 103.0033, Code of Criminal
27 Procedure, as amended by this Act.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.