

By: Carona

S.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to waivers for certain counties and municipalities from the requirement to implement a collection improvement program.

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

SECTION 1. Article 103.0033, Code of Criminal Procedure, is amended by adding Subsections (h-1), (h-2), and (h-3) to read as follows:

(h-1) The office shall grant a waiver under Subsection (h) if the office determines an existing collection plan or process of the county or municipality requesting the waiver is resulting in a collection rate comparable to the average collection rate in counties or municipalities, as applicable, that have implemented programs.

(h-2) When computing the collection rate of an existing collection plan or process under Subsection (h-1), the office may not consider court costs, fees, or fines owed by persons who are confined in a correctional or detention facility if a significant portion of the total amount of court costs, fees, and fines owed to the county or municipality, as determined by the office, are owed by those persons.

(h-3) The office shall adopt:

(1) guidelines that provide counties and municipalities flexibility in complying with the requirements of the model developed by the office; and

1 (2) guidelines regarding the circumstances under
2 which the office will grant a waiver under Subsection (h),
3 including guidelines on how the office determines the
4 cost-effectiveness of implementing a program in a county or
5 municipality.

6 SECTION 2. As soon as practicable, the Office of Court
7 Administration of the Texas Judicial System shall adopt the
8 guidelines required by Article 103.0033(h-3), Code of Criminal
9 Procedure, as added by this Act.

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