

BILL ANALYSIS

H.B. 331
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Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, a municipality is not permitted to create a fund available to a municipal court to finance equal justice and education services. H.B. 331 authorizes the creation of a municipal court equal justice and education fund that is supported by court costs paid by defendants on conviction in a municipal court. The bill seeks to have the fund pay for administrative costs and services associated with operating the municipal court.

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

H.B. 331 amends the Code of Criminal Procedure to authorize the governing body of a municipality by ordinance to create a municipal court equal justice and education fund. The bill authorizes the governing body to require a defendant convicted of a misdemeanor offense in a municipal court or municipal court of record to pay a \$1 equal justice and education fee as a cost of court for deposit in the fund. The bill specifies that a person is considered convicted if a sentence is imposed on the person or if the court defers final disposition of the person's case. The bill requires the municipal court clerk to collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit in a fund to be known as the municipal court equal justice and education fund. The bill permits such a fund to be used only to finance the purchase of services, materials, or equipment for a municipal court or municipal court of record to provide equal justice for individuals involved in the justice system, including the purchase of interpreter services, mental health and counseling services, or modifications to municipal court buildings and other accommodations for individuals with disabilities; the appointment of an attorney for an indigent defendant; or for the education of municipal court judges and municipal court support personnel, including the payment of tuition, conference fees, and travel expenses incurred for educational purposes. The bill requires the municipal court equal justice and education fund to be administered by or under the direction of the governing body of the municipality. The bill requires the presiding judge of the municipal court to authorize expenditures from the fund and to ensure that the expenditures comply with any applicable purchasing policies of the municipality. The bill requires the judge to provide to the governing body of the municipality on a quarterly basis a detailed description and accounting of all money spent from the fund. The bill authorizes the governing body of the municipality by ordinance to provide that any amount in the fund that is not spent during a fiscal year may remain in the fund for use in a subsequent fiscal year.

H.B. 331 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2011.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 removes the authorization for the municipal court equal justice and education fund to be used to finance the education of municipal court judges and municipal court support personnel, including the payment of tuition, conference fees, and travel expenses incurred for educational purposes.