

## **BILL ANALYSIS**

C.S.H.B. 1985  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is a concern that current law does not adequately address the collection method of court costs, fees, and fines imposed in certain cases for a municipal court. Reports indicate that the collection method can work well for a county court, where a defendant is often given additional time to make payment prior to a plea, but the method can be counterproductive when dealing with a high volume municipal court. There is additional concern that a municipality may not retain certain fees if it is not in compliance with certain provisions of law relating to a collection improvement program. C.S.H.B. 1985 seeks to address these concerns by defining eligible cases for purposes of a program to improve the collection by certain municipalities and counties of court costs, fees, and fines imposed in criminal cases and by providing a period of time for a municipality to rectify any noncompliance that may result in a loss of certain fees.

### **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**

C.S.H.B. 1985 amends the Code of Criminal Procedure to specify that a provision describing the elements required of a program to improve the collection by certain municipalities and counties of court costs, fees, and fines imposed in criminal cases applies to eligible cases. The bill defines "eligible case" to mean a criminal case in which the judgment has been entered by a trial court, excluding a criminal case in which a defendant has been placed on deferred disposition or has elected to take a driving safety course.

C.S.H.B. 1985 amends the Local Government Code to make the prohibition against the retention of a service fee by a municipality or county that the comptroller of public accounts during an audit has determined is not in compliance with the requirements for such a collection improvement program contingent on whether the municipality or county is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the comptroller. The bill specifies that the municipality or county may resume retention of the service fee after any period in which the municipality or county becomes unable to retain the fee only on receipt of a written confirmation from the comptroller that the municipality or county is in compliance.

C.S.H.B. 1985 makes the requirement that a municipal or county treasurer send 100 percent of time payment fees collected by a municipality or county that the comptroller of public accounts during an audit has determined is not in compliance with the requirements for such a collection improvement program, contingent on whether the municipality or county is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the comptroller. The bill specifies that the municipality or county may resume disposing of the fee, as applicable, after any period in which the treasurer is required to send 100 percent of the fees collected to the comptroller only on receipt of a written

confirmation from the comptroller that the municipality or county is in compliance.

**EFFECTIVE DATE**

September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1985 differs from the original by specifying that the meaning of "eligible case" excludes a criminal case in which a defendant has elected to take a driving safety course, whereas the original excludes a criminal case in which the defendant is able to take a driving safety course if the judgment in the case has not yet been entered. The substitute differs from the original in nonsubstantive ways.