

BILL ANALYSIS

S.B. 1059
By: Nichols
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 1059 amends current law relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Articles 103.0033(b), (c), (e), (h), (i), and (j), Code of Criminal Procedure, as follows:

(b) Provides that this article applies to each county in this state and to each municipality with a population of 100,000 or greater, rather than only to a county with a population of 50,000 or greater, and a municipality with a population of 100,000 or greater.

(c) Requires each municipality, rather than requires each county and municipality, unless granted a waiver under Subsection (h), to develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). Authorizes a county to develop and implement a program that complies with the prioritized implementation schedule under Subsection (h).

(e) Requires the Office of Court Administration of the Texas Judicial System (OCA), not later than June 1 of each year, to identify those counties and municipalities that have not implemented a program; and are planning to implement, rather than are able to implement, a program before April 1 of the following year.

(h) Authorizes OCA, in consultation with the comptroller of public accounts (comptroller), to:

(1) Makes no changes to this subdivision; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the municipality and grant a waiver to the municipality, rather than implement a program in a county or municipality and grant a waiver to the county or municipality.

(i) Requires each county that implements a program and each municipality to at least annually submit to OCA and the comptroller a written report that includes updated information regarding the program, as determined by OCA in cooperation with the comptroller.

(j) Requires the comptroller to periodically audit municipalities, rather than counties and municipalities, to verify information reported under Subsection (i) and confirm that the municipality is conforming with requirements relating to the program. Makes a conforming change.

SECTION 2. Amends Section 133.058(e), Local Government Code, as follows:

(e) Prohibits a municipality, rather than prohibits a municipality or county, from retaining a service fee, if during an audit under Section 133.059 (Audit) of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality is not in compliance with Article 103.0033 (Collection Improvement Program), Code of Criminal Procedure. Authorizes the municipality to continue to retain a service fee under this section on receipt of a written confirmation from the comptroller that the municipality is in compliance with Article 103.0033, Code of Criminal Procedure. Makes conforming changes.

SECTION 3. Amends Section 133,103(c-1), Local Government Code, as follows:

(c-1) Requires the treasurer to send to the comptroller 100 percent of the fees collected under this section by a municipality, if, during an audit under Section 133.059 of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality, rather than the comptroller determines that the municipality or county, is not in compliance with Article 103.0033, Code of Criminal Procedure. Requires the municipality, to continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the comptroller that the municipality, is in compliance with Article 103.0033, Code of Criminal Procedure. Makes conforming and nonsubstantive changes.

EFFECTIVE DATE

Upon passage or September 1, 2011.