

By: Turner

H.B. No. 1985

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the collection of criminal and civil court costs, fees,  
3 and fines by a municipality or county and to notice to the  
4 Department of Public Safety regarding payment of an administrative  
5 fee by certain persons denied renewal of a driver's license.

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

7 SECTION 1. Articles 103.0033(a) and (d), Code of Criminal  
8 Procedure, are amended to read as follows:

9 (a) In this article:

10 (1) "Eligible case" means a criminal case in which the  
11 judgment has been entered by a trial court. The term does not  
12 include a criminal case in which a defendant has been placed on  
13 deferred disposition or has elected to take a driving safety  
14 course.

15 (2) "Office" means the Office of Court Administration  
16 of the Texas Judicial System.

17 (3) [~~2~~] "Program" means the program to improve the  
18 collection of court costs, fees, and fines imposed in criminal  
19 cases, as developed and implemented under this article.

20 (d) The program must consist of:

21 (1) a component that conforms with a model developed  
22 by the office and designed to improve in-house collections for  
23 eligible cases through the application of best practices; and

24 (2) a component designed to improve the collection of

1 balances for eligible cases more than 60 days past due, which may be  
2 implemented by entering into a contract with a private attorney or  
3 public or private vendor in accordance with Article 103.0031.

4 SECTION 2. Section 133.058(e), Local Government Code, is  
5 amended to read as follows:

6 (e) A municipality or county may not retain a service fee  
7 if, during an audit under Section 133.059 of this code or Article  
8 103.0033(j), Code of Criminal Procedure, the comptroller  
9 determines that the municipality or county is not in compliance  
10 with Article 103.0033, Code of Criminal Procedure, and if the  
11 municipality or county is unable to reestablish compliance on or  
12 before the 180th day after the date the municipality or county  
13 receives written notice of noncompliance from the comptroller.  
14 After any period in which the municipality or county becomes unable  
15 to retain a service fee under this subsection, the [The]  
16 municipality or county may begin once more [continue] to retain the  
17 [a service] fee only [under this section] on receipt of a written  
18 confirmation from the comptroller that the municipality or county  
19 is in compliance with Article 103.0033, Code of Criminal Procedure.

20 SECTION 3. Section 133.103(c-1), Local Government Code, is  
21 amended to read as follows:

22 (c-1) The treasurer shall send 100 percent of the fees  
23 collected under this section to the comptroller if, during an audit  
24 under Section 133.059 of this code or Article 103.0033(j), Code of  
25 Criminal Procedure, the comptroller determines that the  
26 municipality or county is not in compliance with Article 103.0033,  
27 Code of Criminal Procedure, and if the municipality or county is

1 unable to reestablish compliance on or before the 180th day after  
2 the date the municipality or county receives written notice of  
3 noncompliance from the comptroller. After any period in which the  
4 treasurer is required under this subsection to send 100 percent of  
5 the fees collected under this section to the comptroller, the [~~the~~  
6 the] municipality or county shall begin once more [~~continue~~] to  
7 dispose of fees as otherwise provided by this section only on  
8 receipt of a written confirmation from the comptroller that the  
9 municipality or county is in compliance with Article 103.0033, Code  
10 of Criminal Procedure.

11 SECTION 4. Section 706.005(a), Transportation Code, is  
12 amended to read as follows:

13 (a) A political subdivision shall immediately notify the  
14 department that there is no cause to continue to deny renewal of a  
15 person's driver's license based on the person's previous failure to  
16 appear or failure to pay or satisfy a judgment ordering the payment  
17 of a fine and cost in the manner ordered by the court in a matter  
18 involving an offense described by Section 706.002(a), on payment of  
19 a fee as provided by Section 706.006 and:

20 (1) the perfection of an appeal of the case for which  
21 the warrant of arrest was issued or judgment arose;

22 (2) the dismissal of the charge for which the warrant  
23 of arrest was issued or judgment arose;

24 (3) the posting of bond or the giving of other security  
25 to reinstate the charge for which the warrant was issued;

26 (4) the payment or discharge of the fine and cost owed  
27 on an outstanding judgment of the court; or

1           (5) other suitable arrangement to pay the fine and  
2 cost within the court's discretion.

3           SECTION 5. The change in law made by this Act in amending  
4 Sections 133.058(e) and 133.103(c-1), Local Government Code,  
5 applies only to an audit commenced by the comptroller on or after  
6 the effective date of this Act. An audit commenced by the  
7 comptroller before the effective date of this Act is governed by the  
8 law in effect when the audit was commenced, and the former law is  
9 continued in effect for that purpose.

10          SECTION 6. The change in law made by this Act in amending  
11 Article 103.0033, Code of Criminal Procedure, applies only to a  
12 court cost, fee, or fine imposed in a criminal case on or after the  
13 effective date of this Act. A court cost, fee, or fine imposed in a  
14 criminal case before the effective date of this Act is governed by  
15 the law in effect on the date the cost, fee, or fine was imposed, and  
16 the former law is continued in effect for that purpose.

17          SECTION 7. This Act takes effect September 1, 2011.