

By: Turner

H.B. No. 1985

A BILL TO BE ENTITLED

AN ACT

relating to the collection of criminal and civil court costs, fees,
and fines by a municipality or county.

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

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

(a) In this article:

(1) "Eligible case" means a criminal case in which the
judgment has been entered by a trial court. The term does not
include a criminal case in which a defendant has been placed on
deferred disposition or is able to take a driving safety course if
the judgment in the case has not yet been entered.

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

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

(d) The program must consist of:

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

(2) a component designed to improve in eligible cases
the collection of balances more than 60 days past due, which may be
implemented by entering into a contract with a private attorney or

1 public or private vendor in accordance with Article 103.0031.

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

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

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

20 (c-1) The treasurer shall send 100 percent of the fees
21 collected under this section to the comptroller if, during an audit
22 under Section 133.059 of this code or Article 103.0033(j), Code of
23 Criminal Procedure, the comptroller determines that the
24 municipality or county is not in compliance with Article 103.0033,
25 Code of Criminal Procedure, and if the municipality or county is
26 unable to reestablish compliance on or before the 180th day after
27 the date the municipality or county receives written notice of

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

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

16 SECTION 5. The change in law made by this Act in amending
17 Article 103.0033, Code of Criminal Procedure, applies only to a
18 court cost, fee, or fine imposed in a criminal case on or after the
19 effective date of this Act. A court cost, fee, or fine imposed in a
20 criminal case before the effective date of this Act is governed by
21 the law in effect on the date the cost, fee, or fine was imposed, and
22 the former law is continued in effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2011.