

By: Cook

H.B. No. 2949

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the collection improvement program.

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

SECTION 1. Articles 103.0033(f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(f) The ~~[comptroller, in cooperation with the]~~ office~~[,~~ shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office ~~[comptroller]~~ shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~[, in consultation with the comptroller,]~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

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

(i) Each county and municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined

1 by the office [~~in cooperation with the comptroller~~]. The report
2 must be in a form approved by the office [~~in cooperation with the~~
3 ~~comptroller~~].

4 (j) The office [~~comptroller~~] shall periodically audit
5 counties and municipalities to verify information reported under
6 Subsection (i) and confirm that the county or municipality is
7 conforming with requirements relating to the program. [~~The~~
8 ~~comptroller shall consult with the office in determining how~~
9 ~~frequently to conduct audits under this section.~~]

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

12 (e) A municipality or county may not retain a service fee
13 if, during an audit under [~~Section 133.059 of this code or~~] Article
14 103.0033(j), Code of Criminal Procedure, the Office of Court
15 Administration of the Texas Judicial System [~~comptroller~~]
16 determines that the municipality or county is not in compliance
17 with Article 103.0033, Code of Criminal Procedure. The
18 municipality or county may continue to retain a service fee under
19 this section on receipt of a written confirmation from the Office of
20 Court Administration of the Texas Judicial System [~~comptroller~~]
21 that the municipality or county is in compliance with Article
22 103.0033, Code of Criminal Procedure.

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

25 (c-1) The treasurer shall send 100 percent of the fees
26 collected under this section to the comptroller if, during an audit
27 under [~~Section 133.059 of this code or~~] Article 103.0033(j), Code

1 of Criminal Procedure, the Office of Court Administration of the
2 Texas Judicial System [~~comptroller~~] determines that the
3 municipality or county is not in compliance with Article 103.0033,
4 Code of Criminal Procedure. The municipality or county shall
5 continue to dispose of fees as otherwise provided by this section on
6 receipt of a written confirmation from the Office of Court
7 Administration of the Texas Judicial System [~~comptroller~~] that the
8 municipality or county is in compliance with Article 103.0033, Code
9 of Criminal Procedure.

10 SECTION 4. This Act takes effect September 1, 2011.