

1-1 By: Cook (Senate Sponsor - Eltife) H.B. No. 2949  
1-2 (In the Senate - Received from the House May 5, 2011;  
1-3 May 9, 2011, read first time and referred to Committee on  
1-4 Jurisprudence; May 21, 2011, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the administration of the collection improvement  
1-9 program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Articles 103.0033(f), (h), (i), and (j), Code of  
1-12 Criminal Procedure, are amended to read as follows:

1-13 (f) The ~~[comptroller, in cooperation with the]~~ office~~[,~~  
1-14 shall develop a methodology for determining the collection rate of  
1-15 counties and municipalities described by Subsection (e) before  
1-16 implementation of a program. The office ~~[comptroller]~~ shall  
1-17 determine the rate for each county and municipality not later than  
1-18 the first anniversary of the county's or municipality's adoption of  
1-19 a program.

1-20 (h) The office~~[, in consultation with the comptroller,~~  
1-21 may:

1-22 (1) use case dispositions, population, revenue data,  
1-23 or other appropriate measures to develop a prioritized  
1-24 implementation schedule for programs; and

1-25 (2) determine whether it is not cost-effective to  
1-26 implement a program in a county or municipality and grant a waiver  
1-27 to the county or municipality.

1-28 (i) Each county and municipality shall at least annually  
1-29 submit to the office ~~[and the comptroller]~~ a written report that  
1-30 includes updated information regarding the program, as determined  
1-31 by the office ~~[in cooperation with the comptroller]~~. The report  
1-32 must be in a form approved by the office ~~[in cooperation with the~~  
1-33 ~~comptroller]~~.

1-34 (j) The office ~~[comptroller]~~ shall periodically audit  
1-35 counties and municipalities to verify information reported under  
1-36 Subsection (i) and confirm that the county or municipality is  
1-37 conforming with requirements relating to the program. ~~[The~~  
1-38 ~~comptroller shall consult with the office in determining how~~  
1-39 ~~frequently to conduct audits under this section.]~~

1-40 SECTION 2. Section 133.058(e), Local Government Code, is  
1-41 amended to read as follows:

1-42 (e) A municipality or county may not retain a service fee  
1-43 if, during an audit under ~~[Section 133.059 of this code or]~~ Article  
1-44 103.0033(j), Code of Criminal Procedure, the Office of Court  
1-45 Administration of the Texas Judicial System ~~[comptroller]~~  
1-46 determines that the municipality or county is not in compliance  
1-47 with Article 103.0033, Code of Criminal Procedure. The  
1-48 municipality or county may continue to retain a service fee under  
1-49 this section on receipt of a written confirmation from the Office of  
1-50 Court Administration of the Texas Judicial System ~~[comptroller]~~  
1-51 that the municipality or county is in compliance with Article  
1-52 103.0033, Code of Criminal Procedure.

1-53 SECTION 3. Section 133.103(c-1), Local Government Code, is  
1-54 amended to read as follows:

1-55 (c-1) The treasurer shall send 100 percent of the fees  
1-56 collected under this section to the comptroller if, during an audit  
1-57 under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code  
1-58 of Criminal Procedure, the Office of Court Administration of the  
1-59 Texas Judicial System ~~[comptroller]~~ determines that the  
1-60 municipality or county is not in compliance with Article 103.0033,  
1-61 Code of Criminal Procedure. The municipality or county shall  
1-62 continue to dispose of fees as otherwise provided by this section on  
1-63 receipt of a written confirmation from the Office of Court  
1-64 Administration of the Texas Judicial System ~~[comptroller]~~ that the

2-1 municipality or county is in compliance with Article 103.0033, Code  
2-2 of Criminal Procedure.

2-3 SECTION 4. This Act takes effect September 1, 2011.

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