By: Nichols S.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

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

SECTION 1. Subsections (b), (c), (e), (h), (i), and (j), Article 103.0033, Code of Criminal Procedure, are amended to read as follows:

(b) This article applies [~~only~~] to each[~~:~~

[~~(1) a~~] county in this state [~~with a population of 50,000 or greater;~~] and to each

[~~(2) a~~] municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each [~~county and~~] municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county program must include district, county, and justice courts.

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning [~~able~~] to implement a program before April 1 of the following year.

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

(i) Each county that implements a program and each municipality shall at least annually submit to the office and the comptroller a written report that includes updated information regarding the program, as determined by the office in cooperation with the comptroller. The report must be in a form approved by the office in cooperation with the comptroller.

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

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

(e) A municipality [~~or county~~] may not retain a service fee 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 [~~or county~~] is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality [~~or county~~] may continue to retain a service fee under

this section on receipt of a written confirmation from the comptroller that the municipality [~~or county~~] is in compliance with Article 103.0033, Code of Criminal Procedure.

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

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality [~~to the comptroller~~] 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 [~~or county~~] is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality [~~or county~~] shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the comptroller that the municipality [~~or county~~] is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.