

1-1 By: Nichols S.B. No. 1059  
1-2 (In the Senate - Filed March 2, 2011; March 16, 2011, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 27, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 27, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1059 By: Patrick

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the program for improvement of collection of court  
1-11 costs, fees, and fines imposed in criminal cases.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (b), (c), (e), (h), (i), and (j),  
1-14 Article 103.0033, Code of Criminal Procedure, are amended to read  
1-15 as follows:

1-16 (b) This article applies [~~only~~] to each[+  
1-17 [~~(1) a~~] county in this state [~~with a population of~~  
1-18 ~~50,000 or greater,~~] and to each  
1-19 [~~(2) a~~] municipality with a population of 100,000 or  
1-20 greater.

1-21 (c) Unless granted a waiver under Subsection (h), each  
1-22 [~~county and~~] municipality shall develop and implement a program  
1-23 that complies with the prioritized implementation schedule under  
1-24 Subsection (h). A county may develop and implement a program that  
1-25 complies with the prioritized implementation schedule under  
1-26 Subsection (h). A county program must include district, county,  
1-27 and justice courts.

1-28 (e) Not later than June 1 of each year, the office shall  
1-29 identify those counties and municipalities that:

1-30 (1) have not implemented a program; and  
1-31 (2) are planning [~~able~~] to implement a program before  
1-32 April 1 of the following year.

1-33 (h) The office, in consultation with the comptroller, may:

1-34 (1) use case dispositions, population, revenue data,  
1-35 or other appropriate measures to develop a prioritized  
1-36 implementation schedule for programs; and

1-37 (2) for a municipality, determine whether it is not  
1-38 actually cost-effective to implement a program in the [~~a county or~~]  
1-39 municipality and grant a waiver to the [~~county or~~] municipality.

1-40 (i) Each county that implements a program and each  
1-41 municipality shall at least annually submit to the office and the  
1-42 comptroller a written report that includes updated information  
1-43 regarding the program, as determined by the office in cooperation  
1-44 with the comptroller. The report must be in a form approved by the  
1-45 office in cooperation with the comptroller.

1-46 (j) The comptroller shall periodically audit [~~counties and~~]  
1-47 municipalities to verify information reported under Subsection (i)  
1-48 and confirm that the [~~county or~~] municipality is conforming with  
1-49 requirements relating to the program. The comptroller shall  
1-50 consult with the office in determining how frequently to conduct  
1-51 audits under this section.

1-52 SECTION 2. Subsection (e), Section 133.058, Local  
1-53 Government Code, is amended to read as follows:

1-54 (e) A municipality [~~or county~~] may not retain a service fee  
1-55 if, during an audit under Section 133.059 of this code or Article  
1-56 103.0033(j), Code of Criminal Procedure, the comptroller  
1-57 determines that the municipality [~~or county~~] is not in compliance  
1-58 with Article 103.0033, Code of Criminal Procedure. The  
1-59 municipality [~~or county~~] may continue to retain a service fee under  
1-60 this section on receipt of a written confirmation from the  
1-61 comptroller that the municipality [~~or county~~] is in compliance with  
1-62 Article 103.0033, Code of Criminal Procedure.

1-63 SECTION 3. Subsection (c-1), Section 133.103, Local

2-1 Government Code, is amended to read as follows:

2-2 (c-1) The treasurer shall send to the comptroller 100  
2-3 percent of the fees collected under this section by a municipality  
2-4 ~~[to the comptroller]~~ if, during an audit under Section 133.059 of  
2-5 this code or Article 103.0033(j), Code of Criminal Procedure, the  
2-6 comptroller determines that the municipality ~~[or county]~~ is not in  
2-7 compliance with Article 103.0033, Code of Criminal Procedure. The  
2-8 municipality ~~[or county]~~ shall continue to dispose of fees as  
2-9 otherwise provided by this section on receipt of a written  
2-10 confirmation from the comptroller that the municipality ~~[or county]~~  
2-11 is in compliance with Article 103.0033, Code of Criminal Procedure.

2-12 SECTION 4. This Act takes effect immediately if it receives  
2-13 a vote of two-thirds of all the members elected to each house, as  
2-14 provided by Section 39, Article III, Texas Constitution. If this  
2-15 Act does not receive the vote necessary for immediate effect, this  
2-16 Act takes effect September 1, 2011.

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