

House Bill 2949
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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(Unless otherwise indicated, all SECTIONS below are from FA2)

CONFERENCE

SECTION 1. Articles 103.0033(a), (b), (c), (d), (e), (f), (h), (i), and (j), 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 has elected to take a driving safety course.
- (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.
- (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.
- (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 for eligible cases through the application of best practices; and
- (2) a component designed to improve the collection of balances for eligible cases more than 60 days past due, which

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(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 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 office ~~[comptroller]~~ shall periodically audit counties

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may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031.

(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.

(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) 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 office ~~[comptroller]~~ shall periodically audit counties

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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. Section 133.058(e), 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 Office of Court Administration of the Texas Judicial System ~~[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 Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

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

(c-1) The treasurer shall send 100 percent of the fees

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~~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. Section 133.058(e), 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 Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure, and if the municipality is unable to reestablish compliance on or before the 180th day after the date the municipality receives written notice of noncompliance from the office. After any period in which the municipality becomes unable to retain a service fee under this subsection, the ~~[The]~~ municipality ~~[or county]~~ may begin once more ~~[continue]~~ to retain the ~~[a service]~~ fee only ~~[under this section]~~ on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

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

(c-1) The treasurer shall send to the comptroller 100 percent

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collected under this section to the comptroller if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[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 Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

No equivalent provision.

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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 Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure, and if the municipality is unable to reestablish compliance on or before the 180th day after the date the municipality receives written notice of noncompliance from the office. After any period in which the treasurer is required under this subsection to send 100 percent of the fees collected under this section to the comptroller, the ~~[The]~~ municipality ~~[or county]~~ shall begin once more ~~[continue]~~ to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 4. Section 706.005(a), Transportation Code, is amended to read as follows:

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

(1) the perfection of an appeal of the case for which the

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warrant of arrest was issued or judgment arose;
(2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
(3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;
(4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
(5) other suitable arrangement to pay the fine and cost within the court's discretion.

No equivalent provision.

SECTION 5. The change in law made by this Act in amending Sections 133.058(e) and 133.103(c-1), Local Government Code, applies only to an audit commenced on or after the effective date of this Act. An audit commenced before the effective date of this Act is governed by the law in effect when the audit was commenced, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 6. The change in law made by this Act in amending Article 103.0033, Code of Criminal Procedure, applies only to a court cost, fee, or fine imposed in a criminal case on or after the effective date of this Act. A court cost, fee, or fine imposed in a criminal case before the effective date of this Act is governed by the law in effect on the date the cost, fee, or fine was imposed, and the former law is continued in effect for that purpose.

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

SECTION 7. Same as House version.