

BILL ANALYSIS

S.B. 391
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A previous Texas Legislature enacted legislation requiring cities and counties with certain populations to implement court cost collection improvement programs based on model rules adopted by the Office of Court Administration. While this program has been successful in several respects, interested parties note that some local governments have reported difficulties in collecting past-due fines and court costs from defendants after the defendants' periods of community supervision have ended. Critics attribute this to an attorney general opinion issued shortly after the passage of that legislation that has been interpreted as prohibiting such collection following the completion of community supervision periods, even from those defendants who have not satisfied their outstanding obligations. S.B. 391 seeks to remedy this situation by clarifying a defendant's obligation to pay fines and court costs as ordered by a judge after the expiration of the defendant's period of community supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 391 amends the Code of Criminal Procedure to clarify that a defendant's obligation to pay a fine or court cost as ordered by a judge exists independently of any requirement to pay the fine or court cost as a condition of the defendant's community supervision. The bill specifies that a defendant remains obligated to pay any unpaid fine or court cost after the expiration of the defendant's period of community supervision.

EFFECTIVE DATE

September 1, 2013.