

BILL ANALYSIS

S.B. 967
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Collection Improvement Program was established to assist cities and counties with collecting court costs, fees, and fines assessed against persons convicted of criminal offenses when defendants are unable to pay these costs at the time of assessment or when payment is requested. During the Regular Session of the 82nd Legislature, the audit function for this program was moved from the comptroller of public accounts of the State of Texas to the Office of Court Administration. During the subsequent special session, a provision was added to Section 133.058 (Portion of Fee Retained), Local Government Code, that provided municipalities with a 180-day timeframe from the time they fall out of compliance from the program's guidelines before the ability to retain a service fee on court costs is lost. Unfortunately, the same grace period was not extended to counties.

S.B. 967 seeks to address this issue by giving counties parity with cities in relation to the collections improvement program. It adds a provision to the Local Government Code that provides counties with a grace period of 180 days as is currently granted to cities before penalties are applied for non-compliance with the program's guidelines.

S.B. 967 amends current law relating to the authority of a municipality or county to retain certain fees.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 133.058(e), Local Government Code, to prohibit a municipality or county from retaining a service fee if, during an audit under Article 103.0033(j) (relating to requiring the Office of Court Administration of the Texas Judicial System (OCA) to audit counties and municipalities regarding the collection improvement program), Code of Criminal Procedure, OCA determines that the municipality or county is not in compliance with Article 103.0033 (Collection Improvement Program), Code of Criminal Procedure, and the municipality or county is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from OCA; and to make a conforming change.

SECTION 2. Amends Section 133.103(c-1), Local Government Code, to require the custodian of money in a municipal or county treasury, as appropriate (treasurer) to send to the comptroller 100 percent of the fees collected under this section if, during an audit under Article 103.0033(j), Code of Criminal Procedure, OCA determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, and is unable to reestablish

compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the office; and to make a conforming change.

EFFECTIVE DATE

Effective date: upon passage or September 1, 2013.