

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1840
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is currently a technology fund for justice court in Article 102.0173 of the Code of Criminal Procedure. This fund is from a \$4 fee collected in criminal cases. The fund is administered by or under the direction of a county's commissioners court.

S.B. 1840 expands this technology fund to allow for funds to be used for court assistance, such as additional court personnel and training for court personnel that the justices of the peace will be able to use for their court. The justice of the peace courts have reported the need for court personnel to assist with their caseload. While it is the counties' responsibility to fund the justice courts, many small counties do not generate enough money to afford hiring court personnel.

S.B. 1840 would expand the source of fees for the fund by allowing counties to charge the \$4 fee to a person who receives deferred adjudication in the justice court.

S.B. 1840 also eliminates the population bracket to allow any justice court (with approval from the commissioners court) to use this fund to assist a constable's office or other county department with technological enhancements, or cost related to the enhancement, if the enhancement directly relates to the operation or efficiency of the justice court. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1840 amends current law relating to the assistance and technology fund and use of money in the fund.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Article 102.0173, Code of Criminal Procedure, to read as follows:

Art. 102.0173. COURT COSTS; JUSTICE COURT ASSISTANCE AND TECHNOLOGY FUND.

SECTION 2. Amends Articles 102.0173(a), (c), (d), (e), and (f), Code of Criminal Procedure, as follows:

(a) Requires the commissioners court of a county by order to create a justice court assistance and technology fund, rather than a justice court technology fund. Requires a defendant convicted of a misdemeanor offense in justice court to pay a \$4 justice court assistance and technology fee, rather than a \$4 justice court technology fee, as a cost of court for deposit in the fund.

(c) Makes a conforming change to this subsection.

(d) Authorizes a fund designated by this article to be used only to finance:

(1) the cost of providing court personnel, including salaries and benefits for the court personnel;

(2) the cost of continuing education and training for justice court judges and court personnel, rather than the cost of continuing education and training for justice court judges and clerks regarding technological enhancements for justice courts; and

(3) creates Subdivision (2) from existing text and redesignates existing Subdivision (2) as this subdivision and makes no further changes.

(e) Makes a conforming change to this subsection.

(f) Authorizes a justice court to, subject to the approval of the commissioners court, use a fund designated by this article to assist a constable's office or other county department with a technological enhancement, or cost related to the enhancement, described by Subsection (d)(3), rather than Subsection (d)(1) or (2), if the enhancement directly relates to the operation or efficiency of the justice court. Deletes existing text listing certain counties to which this subsection applies.

SECTION 3. Amends Section 102.101, Government Code, to make a conforming change.

SECTION 4. Effective date: September 1, 2019.