

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Criminal Jurisprudence
For HB 291

Compiled on: Tuesday, March 7, 2023 3:07 PM

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Hearing Date: March 7, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

AMANDA SURHOLT
GREGG COUNTY COURT COLLECTIONS
MARSHALL, TX

I am in opposition to HB 291 (section 9) as it is being introduced.

Debbie Haskins, Collections Clerk
Grayson County Sheriff Office
Sherman, TX

I am opposed to HB 291, (Section 9 only) as introduced.

Stephanie McCormick, Administrative Director
Governmental Collectors Association of Texas (GCAT)
Burnet, TX

I am opposed to HB 291. This is a very important tool that we in the collections departments use on defendants that repeatedly let their fines and fees go without payment. We use this tool not as punishment but as encouragement to take care of the offenses that they have made the choice to commit and have been found guilty of. Most of the time when they are warned that we might take this action and they will either get caught up on their past due fines and fees, they will pay them in full, or they will at least come in and make arrangements to pay. Please consider our opposition.

Kayla Palmer
Gregg County Court Collections
Hallsville, TX

I am in opposition to HB 291 (section 9) as it is being introduced.

Rebecca Brinlee
Self / Clerk
Sherman, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

DAWN COLE, SUPERVISOR
RANDALL COUNTY JUDICIAL ENFORCEMENT
CANYON, TX

As an entity who has little recourse against blatant noncompliance from defendants regarding court ordered fines, court costs (which are paid to the State of Texas) I oppose HB291 Section 9 only.

Randall County is a firm supporter of the denial to renew driver's licenses, and the County does take into consideration each case and the individual's ability to pay. Many driver's licenses have been released when a mutual agreement can be reached between the defendant and the County.

Christina Hurst
Self/Clerk
Sherman, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

Maria Duran, Senior Court Clerk
Seabrook Municipal Court
Seabrook, TX

I am in opposition to HB 291.

Maria Clausen
Walker County Collections
Huntsville, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

Rochelle Kimbrough
RANDALL COUNTY
AMARILLO, TX

I AM IN OPPOSITION TO THIS BILL BEING IN THE CRIMINAL COLLECTIONS SYSTEMS, I FEEL THAT THE ONLY WAY TO GET SOME DEFENDANTS TO FINALLY TAKE CARE OF THEIR RESPONSIBILITIES IS TO MAKE THEM AWARE THEY COULD LOSE THE RIGHT TO RENEW THEIR DRIVER'S LICENSE. AS WE KNOW DRIVING IS A RIGHT NOT A PRIVILEGE. I ALSO DON'T FEEL THAT A WARRANT SHOULD BE THE GO TO MEANS TO MAKE A DEFENDANT PAY HIS/HER FINES & COURT COSTS BECAUSE THAT MONEY BECOMES THE CITIZENS OF THE COUNTIES RESPONSIBILITY TO SHOULDER AND THEY ARE NOT THE ONES WHO COMMITTED THE CRIME, THEY SHOULD NOT HAVE TO FEED, CLOTHE AND HOUSE SOMEONE WHO DOESN'T WANT TO PAY THEIR FINES.

Dick Gregg, Mr.
City of Seabrook, Texas
Houston, TX

I am the Presiding Judge for the City of Seabrook, Texas . I am also in opposition to HB291 (paragraph 9 only as submitted).

Jennifer Martin, County Clerk
Ector County Clerk
Odessa, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

SHELBY FRANCO
ECTOR COUNTY CLERK'S OFFICE
ODESSA, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

ERMA ROBINSON, COMPLIANCE CLERK
LUBBOCK COUNTY COMPLIANCE DEPARTMENT/SELF
LUBBOCK, TX

I am in opposition to HB 291 (Section 9 only) as introduced.

Ernest Gonzalez
Government Collectors Association of Texas
Pharr, TX

I oppose HB 291. It is a great tool for collecting Court Ordered Fees, even though the Defendant's Drivers Lic has been flagged we work with them to set up a Payment Arrangement and get them eligible to get their Drivers Lic immediately.

Andrea Weilacher, President
Governmental Collectors Association of Texas
DENTON, TX

I am in opposition to HB 291 Section 9 only as it reads. However, I am in support of HB 291CS which retains the judicial discretion of the FTA Program

Christopher Taylor, Chief Deputy District Clerk
Johnson County District Clerk - Governmental Collector's Association of Texas
Cleburne, TX

I am in opposition to HB 291 Section 9 only as it is currently written. This reduces the court's ability to entice defendants to take care of their financial punishments without having to resort to issuing a capias pro fine causing an additional warrant and possible arrest.

Christopher Taylor, Chief Deputy District Clerk
Johnson County District Clerk - Governmental Collectors Association of Texas
Cleburne, TX

I, as well as the Governmental Collector's Association of Texas, am in support of HB 291 CS as it as been amended to retain judicial discretion of the FTA program.

Victor Alcorta, Attorney
OmniBase Services of Texas
Austin, TX

I am an attorney representing OmniBase Services of Texas and write in SUPPORT of CSHB 291.

The Failure to Appear Program is a voluntary program in which courts may choose to contract directly with DPS to participate—it is not mandatory. Courts that do use the FTA Program may refer individuals that either fail to appear in court, owe fines and costs, or both, to DPS to be entered into the FTA Program. OmniBase Services of Texas is the current vendor contracted with DPS and participating courts to administer and maintain the FTA Program database. Over 800 municipalities and 246 counties presently use the FTA Program as a court-compliance tool.

The FTA Program is designed to be an INCENTIVE for an individual to come into compliance with the court before losing the ability to renew their driver license. An individual that is entered into the FTA Program may not renew their driver license until the court is satisfied, the individual pays a \$10 reimbursement fee (not required, if individual is indigent), and the court lifts the driver-license renewal hold. There is otherwise no impairment added to an individual's driver license other than the inability to renew it. Hence, if someone is put into the FTA Program, **THAT INDIVIDUAL STILL HAS AN OTHERWISE VALID DRIVER LICENSE AND THERE IS NO IMPAIRMENT TO THE DRIVER LICENSE UNTIL THEIR DRIVER LICENSE RENEWAL DATE--which could be up to 8 years away.**

The FTA Program DOES NOT SUSPEND anyone's driver license. The program only impacts an individual's ability to RENEW their driver license until the individual complies with court matters.

CSHB 291, SECTION 9 of bill:

HB 291, SECTION 9 of bill, as filed, would have REQUIRED courts to lift the FTA Program driver-license renewal hold when an individual appears in court or ENTERS into a payment plan or community-service plan to satisfy the court—thus eliminating judicial discretion in those circumstances. This language has been revised in the Committee Substitute HB 291 and we support CSHB 291.

CSHB 291, SECTION 9 of bill, PRESERVES JUDICIAL DISCRETION and simply clarifies the following in CURRENT LAW: 1) courts may lift the renewal hold before a payment- or community-service plan has been completely fulfilled; and 2) an indigent individual is not required to pay the reimbursement fee.

SECTION 9 amends Transportation Code, Sec. 706.005(a)(5), by changing the term “pay” to “satisfy.” This clarifies that an individual may enter a suitable arrangement with a court, including, for example, a payment- or community-service plan, to satisfy the court's conditions but at the court's discretion. The key is to allow courts to maintain judicial discretion. If the driver-license renewal holds are automatically lifted when an individual enters a payment- or community service-plan but without fulfilling the plan within the court's discretion, the FTA Program will be rendered useless.

OmniBase Services of Texas SUPPORTS CSHB 291.

Stephanie McCormick
Governmental Collectors Association of Texas (GCAT)
Burnet, TX

HB 291 CS I would be in support of as it gives judicial discretion.