

BILL ANALYSIS

Senate Research Center
77R10800 GWK-F

S.B. 1778
By: Lucio
Jurisprudence
4/2/2001
As Filed

DIGEST AND PURPOSE

Current law allows county courts to contract with outside vendors for the collection of fines, fees, restitution, and other costs ordered by a court. However, if an attorney collects the money owed to the county, he or she is paid 30 percent of the money collected. As proposed, S.B. 1778 allows county courts to add a 30 percent increase to any fine, fee, restitution, debt, or cost that is 60 days overdue. This ensures that county courts receive all money owed while also allowing the attorney to receive his or her fees. S.B. 1778 also includes municipal courts and prohibits a 30 percent penalty from being imposed on a person who has been determined indigent or unable to pay all or part of the underlying fine or costs.

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 Article 103.003, Code of Criminal Procedure, to provide that this article does not limit the authority of a commissioners court to contract with a public or private vendor for the provision of collection services under Article 103.0031.

SECTION 2. Amends Article 103.0031, Code of Criminal Procedure, to authorize the commissioners court of a county to enter into a contract with a public or private vendor for the provision of collection services for debts and accounts receivable such as fines, fees, restitution, and other debts or costs ordered to be paid by a court serving the county. Authorizes a commissioners court that enters into a contract with a private attorney under this article to authorize the addition of attorney's fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney for collection. Provides that a defendant is not liable for the attorney's fees authorized under this section if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

SECTION 3. Amends 6701d-28, Revised Statutes, to provide that this article does not limit the authority of the governing body of a municipality or a commissioners court to contract with a public or private vendor for the provision of collection services or prohibit a court of competent jurisdiction, a municipality, or a county from using any other lawful means to enforce a judgement. Authorizes the governing body of a municipality or a commissioners court that enters into a contract under this article with a private attorney to authorize the addition of attorney's fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney for collection. Provides that a defendant is not liable for the attorney's fees authorized under this subsection if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

SECTION 4. Effective date: upon passage or September 1, 2001.

BILL ANALYSIS

Senate Research Center
77R10800 GWK-F

S.B. 1778
By: Lucio
Jurisprudence
4/2/2001
As Filed

DIGEST AND PURPOSE

Current law allows county courts to contract with outside vendors for the collection of fines, fees, restitution, and other costs ordered by a court. However, if an attorney collects the money owed to the county, he or she is paid 30 percent of the money collected. As proposed, S.B. 1778 allows county courts to add a 30 percent increase to any fine, fee, restitution, debt, or cost that is 60 days overdue. This ensures that county courts receive all money owed while also allowing the attorney to receive his or her fees. S.B. 1778 also includes municipal courts and prohibits a 30 percent penalty from being imposed on a person who has been determined indigent or unable to pay all or part of the underlying fine or costs.

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 Article 103.003, Code of Criminal Procedure, to provide that this article does not limit the authority of a commissioners court to contract with a public or private vendor for the provision of collection services under Article 103.0031.

SECTION 2. Amends Article 103.0031, Code of Criminal Procedure, to authorize the commissioners court of a county to enter into a contract with a public or private vendor for the provision of collection services for debts and accounts receivable such as fines, fees, restitution, and other debts or costs ordered to be paid by a court serving the county. Authorizes a commissioners court that enters into a contract with a private attorney under this article to authorize the addition of attorney's fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney for collection. Provides that a defendant is not liable for the attorney's fees authorized under this section if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

SECTION 3. Amends 6701d-28, Revised Statutes, to provide that this article does not limit the authority of the governing body of a municipality or a commissioners court to contract with a public or private vendor for the provision of collection services or prohibit a court of competent jurisdiction, a municipality, or a county from using any other lawful means to enforce a judgement. Authorizes the governing body of a municipality or a commissioners court that enters into a contract under this article with a private attorney to authorize the addition of attorney's fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney for collection. Provides that a defendant is not liable for the attorney's fees authorized under this subsection if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

SECTION 4. Effective date: upon passage or September 1, 2001.