BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires counties and municipalities that meet certain population requirements to implement the Office of Court Administration of the Texas Judicial System (OCA) ten-point model in programs created to improve the collection of court costs, fees, and fines imposed in criminal cases (program).

As proposed, S.B. 280 removes the requirement that a program conform with a model developed by OCA, and requires the comptroller of public accounts (comptroller), in consultation with OCA and a representative judge from a county or municipality, to create collection programs for those counties and municipalities. The bill provides that the provisions set forth in the bill do not apply to court costs, fines, or fees ordered to be paid or paid as a condition of community supervision.

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 103.0033, Code of Criminal Procedure, by amending Subsections (a), (c), (d), (g), and (h), and adding Subsections (k) through (n), as follows:

(a) Redefines "program" and defines "good faith."

(c) Requires each county and municipality to develop and implement a program (relating to improving the collection of certain costs, fees, and fines) that complies with the implementation schedule, rather than the prioritized implementation schedule, under Subsection (h).

(d) Deletes existing text requiring a component of the program to conform with a model developed by the Office of Court Administration of the Texas Judicial System (OCA).

(g) Requires OCA to develop and make available on the OCA's Internet website a model, rather than requirements, for a program, and to assist counties and municipalities in implementing a program by providing training and consultation. Prohibits OCA from providing employees for implementation of a program.

(h) Authorizes the comptroller of public accounts (comptroller), in consultation with OCA, rather than OCA in consultation with the comptroller, and in the case of a county, the regional presiding judge and a local administrative judge, and in the case of a municipality, the presiding municipal judge, to use case dispositions, population, revenue data, or other appropriate measures to develop an implementation schedule, rather than a prioritized implementation schedule, for programs, and to determine whether it is not cost-effective to implement a program in a county or municipality and, if it is not cost-effective, grant a waiver to the county or municipality. Requires the comptroller, in consultation with OCA, and in the case of a county, the regional presiding judge and a local administrative judge, and in the case of a municipality, the presiding municipal judge, to take into consideration the good faith efforts of a county or municipality to

implement a program, when developing an implementation schedule and evaluating cost-effectiveness.

(k) Provides that this article does not apply to a court cost, fine, or fee ordered to be paid or paid as a condition of community supervision under Article 42.12 (Community Supervision), Code of Criminal Procedure.

(l) Provides that this article does not limit the discretion of the judge under Article 42.15 (Fines) or 45.041 (Judgment), Code of Criminal Procedure, to direct a defendant to pay a fine or make restitution at a certain time or in a certain manner.

(m) Provides that this article does not require a commissioners court or the governing body of a municipality to expend funds from the county or municipal treasury to implement a program.

(n) Prohibits a county or municipality from being assessed a penalty for failure to implement a collection improvement program before the date by which OCA has determined the county or municipality is able to implement a program.

SECTION 2. (a) Requires OCA to identify those counties and municipalities that are able to implement a collection improvement program under Article 103.0033, Code of Criminal Procedure, as amended by this Act, before April 1, 2008, notwithstanding Subsection (e), Article 103.0033, Code of Criminal Procedure, not later than September 1, 2007. Requires OCA beginning June 1, 2008, to resume evaluating counties and municipalities under Subsection (e), Article 103.0033, Code of Criminal Procedure.

(b) Requires OCA to develop and make available on the OCA's Internet website a model program in accordance with Subsection (g), Article 103.0033, Code of Criminal Procedure, as amended by this Act, not later than December 31, 2007.

SECTION 3. Effective date: upon passage or September 1, 2007.