

BILL ANALYSIS

C.S.S.B. 346
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to consolidate certain criminal court costs to improve the collection and audit of such costs by local governments and the state and to address issues stemming from a recent court decision. C.S.S.B. 346 provides for the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees to accomplish these purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 346 relates to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees.

Consolidated Court Costs

C.S.S.B. 346 repeals and removes provisions relating to certain fees and court costs imposed on conviction and provides for consolidation of those fees and court costs.

Removals and Repeals

C.S.S.B. 346 repeals provisions relating to the imposition of the following court costs and fees on a defendant convicted of a criminal offense:

- jury fees;
- fees for jury reimbursement to counties;
- fees for the services of the clerk of a county court, county court at law, or district court;
- fees for the services of a prosecutor in a misdemeanor or gambling offense case;
- court costs for certain intoxication and drug offenses punishable as a Class B misdemeanor or any higher category of offense;
- court costs for DNA testing;
- additional court costs for an offense prosecuted in a county court or statutory county court;

- additional court costs relating to an electronic filing fee for an offense prosecuted in a county court, statutory county court, or district court;
- fees to be used for court-related purposes for the support of the judiciary; and
- fees to be used to fund indigent defense representation.

C.S.S.B. 346 repeals provisions relating to:

- the creation of a juvenile case manager fund by a county or municipality and the imposition of juvenile case manager fees; and
- the child support and court management account in the judicial fund.

C.S.S.B. 346 amends the Code of Criminal Procedure to remove provisions relating to the imposition of the following fees and court costs on a defendant convicted of a criminal offense:

- courts costs for deposit to the truancy prevention and diversion fund;
- the county and district court technology fee;
- the municipal court technology fee;
- the justice court technology fee; and
- security fees for offenses prosecuted in a county court, county court at law, district court, or municipal court.

Consolidated Court Costs Payable to the Comptroller of Public Accounts

C.S.S.B. 346 amends the Local Government Code to increase the consolidated court costs that are required to be paid by a person convicted of a criminal offense in the following manner:

- for a conviction of a felony, from \$133 to \$185;
- for a conviction of a Class A or Class B misdemeanor, from \$83 to \$147; and
- for a conviction of a nonjailable misdemeanor offense, from \$40 to \$62.

C.S.S.B. 346, with regard to the requirement for the comptroller of public accounts to allocate such consolidated court costs to certain accounts and funds:

- revises the minimum percentages that each account and fund must receive;
- removes the allocation to the emergency radio infrastructure account;
- provides for allocations to the judicial fund, the statewide electronic filing system account, and the truancy prevention and diversion account;
- redesignates the drug court account as the specialty court account, provides for allocations to that account, and includes provisions relating to the use of money in the account; and
- provides for allocations to the following accounts and funds and includes provisions relating to the use of money in the account or fund:
 - the jury service fund in the state treasury;
 - the DNA testing account in the general revenue fund; and
 - the transportation administrative fee account in the general revenue fund.

These changes apply to money collected as court costs imposed on offenses committed on or after January 1, 2020. The bill requires money collected as court costs imposed on offenses committed on or after January 1, 2004, but before January 1, 2020, to be allocated according to the percentages provided by state law as the percentages existed and were applied on December 31, 2019.

C.S.S.B. 346 amends the Government Code to revise the composition of the emergency radio infrastructure account by establishing that the account consists of fees deposited by the comptroller before January 1, 2020.

Consolidated Court Costs Payable to a Local Government

C.S.S.B. 346 amends the Local Government Code to provide for the consolidation and standard collection of fees payable to a local government in criminal matters by an officer of a court for deposit in a county or municipal treasury or by an officer of a county or municipality for deposit in such a treasury.

C.S.S.B. 346 sets out provisions relating to the collection and remittance of criminal fees in municipal courts, justice courts, county courts, and district courts for deposit in the municipal or county treasury, as appropriate. The bill requires a person convicted of an offense to pay the following amounts as a court cost, in addition to all other costs:

- for a conviction of a felony, \$105;
- for a conviction of a Class A or Class B misdemeanor, \$123; or
- for a conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, \$14.

C.S.S.B. 346 requires the county or municipal treasurer to allocate such court costs to specified accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately and provides for the minimum percentage that each account and fund must receive. The bill specifies the manner in which money collected from court costs imposed on offenses committed before January 1, 2020, is required to be distributed.

C.S.S.B. 346 requires a county or municipal treasurer, as applicable, to maintain in the county or municipal treasury a fund or account to which money is allocated under the bill's provisions to the extent that the fund or account is not required by other law. Money in such an account may be used only for the purposes provided by the bill. The bill authorizes an account or fund maintained in a county treasury under these provisions to be administered by or at the direction of the county commissioners court. The bill sets out provisions relating to the use of money allocated to certain accounts and funds.

C.S.S.B. 346 amends the Code of Criminal Procedure to clarify that a county treasurer is required to deposit one-fourth of the money allocated to the courthouse security fund in the justice court building security fund.

Fine and Reimbursement Fee Classifications

C.S.S.B. 346 amends the Alcoholic Beverage Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Local Government Code, Parks and Wildlife Code, and Transportation Code to classify certain fees, court costs, and other payments as reimbursement fees or fines, as applicable.

Other Provisions

C.S.S.B. 346 amends the Code of Criminal Procedure to remove the following from among the discretionary conditions of community supervision that may be imposed on a defendant:

- a condition requiring a defendant who is under custodial supervision in a community corrections facility to pay a percentage of the defendant's income to the defendant's dependents for their support during the period of custodial supervision; and
- a condition requiring a defendant to reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

C.S.S.B. 346 amends the Government Code and the Health and Safety Code to remove requirements that a victim services fee be paid from the fee for participation in a commercially sexually exploited persons court program or a first offender prostitution prevention program for the purpose of covering costs associated with the grant program for certain organizations providing assistance for domestic victims of trafficking.

C.S.S.B. 346 transfers certain Local Government Code provisions relating to time payment fees to the Code of Criminal Procedure, includes such fees among those classified as reimbursement fees, and decreases the amount of the fee from \$25 to \$15. The bill revises the allocation of the collected fees to provide for all such fees to be deposited in a separate account in the general fund of the county or municipality, as applicable, to be used for specified purposes.

C.S.S.B. 346 amends the Transportation Code to decrease from \$30 to \$10 the fee for a person who fails to appear for certain complaints or citations or fails to pay or satisfy certain judgments and includes such fees among those classified as reimbursement fees. The bill revises the allocation of the collected fees to provide for all such fees to be remitted to the municipal or county treasurer, as applicable, by the officer collecting the fee and for the custodian of a municipal or county treasury to deposit the collected fees to the credit of the general fund of the municipality or county for the purposes of compensating private vendors with which the Department of Public Safety contracts to implement statutory provisions relating to denial of renewal of a driver's license for such failure to appear or failure to pay.

C.S.S.B. 346 amends the Government Code to remove requirements for the collection of a fee for criminal cases in which a court reporter takes testimony in certain statutory county courts.

C.S.S.B. 346 amends the Local Government Code to include additional monthly fees for certain sex offenders among the fees for which a treasurer who does not collect any fees during a calendar quarter is required to file a report stating that no fees were collected.

C.S.S.B. 346 repeals provisions relating to:

- an authorization for a justice court to collect a processing fee from a defendant convicted of certain offenses involving a dishonored check or similar sight order and to pay that fee to the holder of the check or order;
- court costs to fund a statewide repository for data related to civil justice;
- a requirement for a municipality to establish by ordinance a fee for the preparation of the court clerk's record in an appeal of a judgment or conviction in a municipal court of record;
- a required appellate court docket fee for an appeal filed with the El Paso Municipal Court of Appeals;
- filing fees for a motion to waive a defendant's speedy trial rights for purposes of pretrial diversion in the El Paso Criminal Law Magistrate Court;
- taxing costs of a criminal magistrate against a nonprevailing party in Dallas County, Tarrant County, Lubbock County, Bexar County, and Travis County;
- a requirement to collect additional court costs from a defendant convicted in a statutory county court in Comal County;

- certain civil suit filing fees and court costs for deposit in the Comal County juvenile placement special fund; and
- a requirement for the expense of any storage, care, feeding, cold storage, or processing necessary for an unlawfully possessed game bird, fowl, animal, game fish, or exotic animal to be assessed against the violator on the violator's conviction.

C.S.S.B. 346 amends the Business & Commerce Code to make conforming changes.

C.S.S.B. 346 repeals the following provisions:

- Article 102.004, Code of Criminal Procedure
- Article 102.0045, Code of Criminal Procedure
- Article 102.005, Code of Criminal Procedure
- Articles 102.008(a), (c), and (d), Code of Criminal Procedure
- Article 102.0174, Code of Criminal Procedure
- Article 102.0178, Code of Criminal Procedure
- Article 102.020, Code of Criminal Procedure
- Section 21.007, Government Code
- Section 51.702(b), Government Code
- Section 51.703(b), Government Code
- Sections 51.851(a) and (d), Government Code
- Section 133.105, Local Government Code
- Section 133.107, Local Government Code
- Sections 706.007(b), (c), and (e), Transportation Code
- Articles 102.001(f) and (h), Code of Criminal Procedure
- Article 102.0071, Code of Criminal Procedure
- Article 102.022, Code of Criminal Procedure
- Sections 202.005(c) and (d), Family Code
- Section 30.00014(f), Government Code
- Sections 30.00147(b) and (g), Government Code
- Section 54.313, Government Code
- Section 54.663, Government Code
- Sections 54.745(b) and (c), Government Code
- Section 54.883, Government Code
- Section 54.913, Government Code
- Section 54.983, Government Code
- Section 101.0813, Government Code
- Section 102.0211, Government Code
- Section 102.0213, Government Code
- Section 102.0214, Government Code
- Section 102.041, Government Code

- Section 102.0415, Government Code
- Section 102.042, Government Code
- Section 102.061, Government Code
- Section 102.0615, Government Code
- Section 102.062, Government Code
- Section 102.081, Government Code
- Section 102.082, Government Code
- Section 102.101, Government Code
- Section 102.103, Government Code
- Section 102.121, Government Code
- Section 102.142, Government Code
- Section 123.003(b), Government Code
- Section 124.004(b), Government Code
- Section 129.005(b), Government Code
- Section 152.0522, Human Resources Code
- Sections 133.103(b) and (d), Local Government Code
- Section 12.110(b), Parks and Wildlife Code

EFFECTIVE DATE

January 1, 2020.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 346 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes from \$61 to \$62 the increased amount of the consolidated court cost payable to the comptroller that is required to be paid by a person convicted of a nonjailable misdemeanor offense.

The substitute makes revisions to the minimum percentages that certain accounts and funds must receive from consolidated court costs payable to the comptroller under the bill's provisions.

The substitute does not repeal provisions relating to payment of administrative fees for failure to appear for certain complaints or citations or to pay or satisfy certain judgments, but the substitute decreases the fee amount from \$30 to \$10, classifies the fees as reimbursement fees, and revises the allocation of such fees.