

SUBJECT: County collection liability, Harris County treasurer centralized collection

COMMITTEE: County Affairs - favorable with amendment

VOTE: 8 ayes — R. Lewis, Gutierrez, Chisum, Hamric, Kamel, G. Lewis, Muñoz, Wohlgemuth

0 nays

1 absent — Longoria

WITNESSES: For — Bob Wessels, Harris County Justices of the Peace and County Court Judges Association

Against — None

BACKGROUND: In 1993 the Legislature amended Code of Criminal Procedure art. 103.0031, to give all county commissioners courts authority to contract with private or public vendors for the collection of court-ordered fines, fees, restitution and other costs. In Harris County various county officers are responsible for the collection of these amounts, which are ultimately deposited with the county treasurer.

DIGEST: HB 2265, as amended, would establish liability protection for public officers in relation to collection of court-ordered fees and costs in all counties. The bill also would establish special provisions for collections by the county treasurer in Harris County. The bill would take effect immediately if approved by two-thirds of the membership of each house.

All counties. The liability provisions for all counties would establish that sheriffs could not be held liable for a judgment, fine, forfeiture or penalty if it was collected by a public or private vendor under Code of Criminal Procedure art. 103.0031 or by the Harris County treasurer or other person performing the duties of the county treasurer. Justices of the peace would be protected from liability for fines or judgments they imposed that were collected in the same fashion.

Harris County. In Harris County, the commissioners court, if authorized by a district, county or precinct officer, could require the Harris County treasurer to collect fees, commissions, judgments, fines, forfeitures or penalties on behalf of these officers. Sole liability for collecting these obligations, once authorized by the county commissioners court, would rest with the county treasurer. The county treasurer could discharge liability in collecting a particular obligation by producing a receipt, in the same manner as provided for district, county or precinct officers.

The county treasurer would be required to report the fee collections to the respective district, county or precinct officer formally responsible for the fee collection.

Local Government Code penalties for failing to collect fees or commissions would not be applicable to district, county or precinct officers if the county treasurer, or other person performing the duties of the county treasurer, were required to collect the fee.

"County treasurer" would include the person performing the duties of the county treasurer or another district, county or precinct officer collecting a fee, commission, judgment, fine, forfeiture, penalty, court costs, or other charges on behalf of another county precinct officer.

**SUPPORTERS
SAY:**

HB 2265 would address liability issues that arise when county commissioners courts contract with private vendors. The bill would merely add a needed refinement to legislation passed last session. Once a county contracts with a private entity, liability for collecting the fee or judgment clearly no longer rests with the county official normally assigned those collection responsibilities but with the private entity instead.

The provisions relative to Harris County would provide one-stop shopping for its citizens. This centralized collection process would enable residents of Harris County to discharge their obligations to the county at one of the county treasurer's offices in Harris County. This system would expedite the handling of money and accounting and would promote economy and efficiency in Harris County.

OPPONENTS
SAY:

The Harris County treasurer should be allowed to consent to taking on additional responsibilities for centralized collection. Whether this additional workload would strain already limited resources in the county treasurer's office should be a decision for the county treasurer to make.

NOTES:

The committee amendment would specify that the use of the word "county treasurer" for purposes of collecting obligations includes a person performing the duties of the county treasurer, or another district, county or precinct officer collecting a fee, commission, judgment, fine, forfeiture, penalty, court costs, or other charges on behalf of another county precinct officer.