

SUBJECT: Increasing the county fee for records management and preservation.

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 6 ayes — Ramsay, G. Lewis, B. Brown, Chisum, Salinas, Swinford
0 nays
3 absent — Farabee, Hilderbran, Krusee

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas;
Eric Reister, Bexar County
Against — None

BACKGROUND: Current law requires a defendant who is convicted of an offense in a county court, a county court at law, or a district court to pay a fee of \$10 for records management and preservation services. The county places the revenue from such fees in a special fund. County commissioners must approve any expenditures from this fund.

DIGEST: HB 2968 would increase the fee paid by a convicted defendant to \$20. This Act would not apply to any defendant convicted of an offense committed before the effective date of this act.
This bill would take effect on September 1, 1999.

SUPPORTERS SAY: The current fee of \$10 does not generate enough revenue for counties to recover costs of records preservation. As a result, counties are using money from their general funds to make up the difference. This fee has not been raised in over ten years. Raising the fee would allow counties to recover their costs to preserve county records.
Defendants convicted in county courts generate a criminal record that the county must manage and preserve. Raising the fee paid by convicted criminals ensures that the people who are causing the increase in paperwork bear the cost of managing the workload.

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HB 2968 would not overburden low-income people. Judges have the authority to waive the fee for defendants who are indigent.

OPPONENTS
SAY:

HB 2968 would double the records management fee. This increase is too high. The records management and preservation fund is used for all departments in a county, not just the courts. Costs should be borne by all who use county services that increase the records management workload. Increasing this fee would place an unfair burden for county-wide expenses on the defendants who are convicted in the county.

NOTES:

The companion bill, SB 1271 by Wentworth, has been referred to the Senate Criminal Justice Committee.