

SUBJECT: School district partial retention of fines generated by district peace officers

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Hinojosa, Dunnam, Green, Nixon, Wise
3 nays — Garcia, Keel, Talton
1 absent — Smith

SENATE VOTE: On final passage, March 11 — voice vote

WITNESSES: For — Jeff Ward, Texas Association of School District Police; Chuck Brawner, Texas Municipal Police Association
Against — Donald Lee, Texas Conference of Urban Counties; Eric Riester, Bexar County

BACKGROUND: Justice of the peace and municipal courts have concurrent jurisdiction over misdemeanor offenses that violate state laws within cities, if punishment is limited to a fine, and in some alcohol offenses involving minors.

Code of Criminal Procedure, art. 45.06 requires governing bodies of incorporated cities, towns, and villages to prescribe rules to enforce the collection of fines by their courts. It specifies that fines collected by the courts be paid into the city treasury for the use of the city.

Art. 103.004 requires officers who collect fines in the name of the state to pay the money immediately to the county treasurer for the county for which the money was collected.

DIGEST: SB 116 would allow school district peace officers collecting fines from persons who commit certain offenses on school district property to remit 50 percent of the fine to the school district that employed the officers.

SB 116 would apply to fines imposed on a person who:

- ! was convicted of Class C misdemeanor offense, punishable by a maximum fine of \$500, that occurred on a school district's property; and
- ! was arrested or issued a citation by a school district peace officer.

The bill would take effect September 1, 1999, and would apply only to a fine imposed on or after that date.

**SUPPORTERS
SAY:**

SB 116 would give school districts an additional revenue source that could be used to improve school safety. Many school districts have created police forces to help enforce laws on campuses. The officers often issue citations for offenses such as disorderly conduct, assault, and alcohol possession. While school districts incur the costs of establishing and operating these police forces, all of the fines generated by the officers' efforts go to the cities or counties. SB 116 would allow half of the fine money to go school districts, which could spend it to make schools safer for Texas children, a goal that should be a top priority for the state.

Just having a police force improves school safety, and SB 116 would allow school districts to offset some of the costs of these forces. It is costly for officers to appear in court, to print citation books, and to pay clerical staff who help keep track of citations. In addition, many situations involve other expenses such as laboratory tests for drugs.

SB 116 would not result in officers issuing citations simply to increase their revenue. Fine money would go to the school district, not the police. Through their budget and oversight efforts, the school districts, not an individual police department chief, would be responsible for spending the money.

SB 116 would shift only part of the fines generated by school district police to school districts, leaving courts with half of the revenue. This revenue shift would have a minimal impact on cities and counties, but the effect on safety in individual schools could be significant.

Other statutes already allow the division of some fine money generated by citations issued on school property. Education Code, sec. 25.093 allows one-half of the fines collected from parents of students who violate the state's compulsory attendance law to go to the school district and one-half to the county or city.

OPPONENTS
SAY:

SB 116 would shift funding from cities and counties to school districts inappropriately and would violate a principle of modern policing that generally prohibits fine revenue from going to the ticket writer.

It would be unfair to divert fine money from cities and counties. These entities are responsible for enforcing justice and for funding overall services, and reducing their funding could hurt both efforts. Criminal fines should be viewed as part of the overall administration of cities and counties, not as a fee for service. SB 116 would set an unwise precedent and could lead to more calls to divert court fine money for other causes, resulting in serious reductions in county and city revenue.

The overall cost of handling a case involves more than the cost attributable to the officer who writes the ticket. It includes costs for court administration, prosecutors' offices, probation departments, and detention centers. If counties and cities lose a significant amount of funds, they could end up turning to taxpayers to replace the funding.

SB 116 would create an unwise incentive for school district police officers to issue tickets simply to generate more revenue. This type of arrangement generally is avoided because it can lead to the unfair enforcement of laws.

OTHER
OPPONENTS
SAY:

SB 116 would offer no guarantee that the money going to school districts would help make schools safer. The bill says only that the money would go to the school district, which would be free to use it for any purpose.

NOTES:

The House committee substitute deleted from the Senate version a provision that would have allowed money from fines imposed on offenses occurring at functions, events, or activities sponsored by a school district also to be divided by the districts and the courts.