

SUBJECT: Collection of costs, fines, and fees in criminal cases

COMMITTEE: Judicial Affairs — favorable, with amendment

VOTE: 8 ayes — Thompson, Hartnett, Capelo, Deshotel, Garcia, Hinojosa, Solis, Uresti

1 nay — Talton

WITNESSES: For — Jim Allison, County Judges & Commissioners Association of Texas; *Registered but did not testify:* Jennifer Corrigan, Texas Council on Family Violence

Against — None

On — Quentin Porter, Texas Municipal League; *Registered but did not testify:* Jim Lehman

DIGEST: HB 3498, as amended, would allow the Office of Court Administration (OCA) to award grants not later than January 1 of each even-numbered year to counties and cities to prepare plans for improving their collection of court costs, fees, and fines imposed in criminal cases. A grant would have to reimburse the county or city for the cost of preparing the plan. The OCA could require the county or city to reimburse the state from the additional collections as a condition of the grant.

The bill would take effect September 1, 2001. Each commissioners court and each city governing body would have to file the first collection improvement plan not later than January 1, 2002.

SUPPORTERS SAY: HB 3498 would help counties and cities develop plans to improve their collections of court costs, fees, and fines. Dallas and Brazoria counties have improved their receipts substantially by voluntarily implementing similar plans. Dallas County's program serves three criminal misdemeanor courts and began with a two-person staff and a \$75,000 budget. The program is credited with having increased fine collections by an estimated average of

\$6.5 million a year. If more counties and cities implemented such programs, the state would benefit by receiving revenues for state programs such as the domestic violence fund.

HB 3498 would be permissive. A county or city that believed it might benefit from the program could request a grant to help prepare an implementation plan. The OCA could award or deny the grant.

These programs would be self-funded. The problem for many of the counties and cities is coming up with the initial capital to buy computers and hire staff to implement a fine-collection program. The OCA could help these programs get started and then would be reimbursed by the additional collections.

OPPONENTS
SAY:

Although many counties and cities need a better strategy to collect fines, HB 3498 would be unworkable. The state could not afford to award grants to all the counties and cities that might request them. HB 3498 also would infringe on local responsibilities inappropriately.

NOTES:

HB 3498 as filed would have required the commissioners court of each county and the governing body of each city to file a collection improvement plan with the OCA not later than January 1 of each even-numbered year, showing how the county intended to improve the collection of court costs, fees, and fines. The committee amendment would substitute the OCA grant program but does not remove the provision in the original version requiring each county and city to file the first collection improvement plan not later than January 1, 2002.