

**SUBJECT:** Exempting certain cases from court fee, cost, and fine collection program

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Jackson, Lewis, Castro, S. Davis, Hartnett, Madden, Raymond, Scott, Woolley

0 nays

2 absent — Bohac, Thompson

**WITNESSES:** For — Laura Anderson, City of Irving; Celeste Villarreal, TMCA-Texas Municipal Courts Association and Municipal Judges Section, State Bar of Texas; (*Registered, but did not testify*: Cindy Bloodsworth, Texas Conference of Urban Counties; Rudy Garza, City of Corpus Christi; Mark Israelson, City of Plano; T.J. Patterson, City of Fort Worth; Frank Sturzl, City of Arlington; Monty Winn, Texas Municipal League )

Against — None

**BACKGROUND:** Under Code of Criminal Procedures, ch. 103, certain counties and municipalities are required to implement a collection improvement program to improve the collection of court costs, fees, and fines imposed in criminal cases.

**DIGEST:** CSHB 1985 would amend the definition of an “eligible case” under the collection improvement program to mean a criminal case in which the judgment has been entered by a trial court and would exclude a criminal case in which a defendant has been placed on deferred disposition or has elected to take a driving safety course.

Under the bill, a county or municipality could not retain a service fee if the entity was not in compliance with the collection improvement program and was unable to re-establish compliance within 180 days.

The bill would take effect September 1, 2011, and would apply only to fees, costs, and fines imposed on or after this date.

**SUPPORTERS  
SAY:**

The collection improvement program applies to all courts, although municipal courts have a much higher volume of cases than county courts. Removal of cases that have been granted a deferred disposition or a driving safety course would alleviate a substantial portion of the burden placed on court clerks in high-volume municipal courts.

A person granted a deferred disposition or a driving safety course has an incentive to pay the fines on time in order to expunge the offense from his or her record. A court's resources are better spent focusing on persons who have less incentive to pay on time

HB 1985 would provide 180 days to correct any findings from the comptroller's audit or to correct any defects in the audit process. This would prevent municipalities and counties from unnecessarily losing revenue.

**OPPONENTS  
SAY:**

No apparent opposition.