

- SUBJECT:** Use of money in the JP court technology fund in Guadalupe County
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Lewis, Farrar, Farney, Hernandez Luna, Hunter, K. King, Raymond, S. Thompson
- 0 nays
- 1 absent — Gooden
- WITNESSES:** For — Bobby Gutierrez, Justice of Peace and Constables Association of Texas; Michael Skrobarcek, Guadalupe County Constable's Office Pct.3; (*Registered, but did not testify:* Carlos Lopez, Justice of the Peace and Constables Association of Texas)
- Against — John Dahill, Texas Conference of Urban Counties; Bill Gravell, Texas Justice Court Judges Association
- BACKGROUND:** Code of Criminal Procedure, art. 102.0173, establishes a justice court technology fund in each county. The fund is to be used for information technology equipment, maintenance, and training in justice courts. The fund is administered by or under the direction of a county's commissioners court.
- A defendant convicted of a misdemeanor offense in a justice court must pay a \$4 justice court technology fee. The fee is deposited into the county's justice court technology fund.
- DIGEST:** HB 1448 would allow a justice of the peace court, with the approval of the commissioners court, to use the justice court technology fund to assist constables or another county department with technological enhancements or related costs if the enhancement were related to the operation or efficiency of a justice court.
- The bill would apply to a county that had a population of 125,000 or more, was not adjacent to a county of 2 million or more, contained a portion of the Guadalupe River, and contained a portion of Interstate 10 (Guadalupe County).

The bill would take effect on September 1, 2013.

**SUPPORTERS
SAY:**

The use of justice court technology funds would assist constables with technology upgrades that would improve court efficiency. Constables work hand in hand with JPs and their staff so a technology enhancement for constables often improves judicial efficiency in a justice court. Funds would be used for technology upgrades such as computers in vehicles, devices to remotely access the Internet, software purchases, and handheld ticket printers.

Under the bill, the commissioners court still would oversee use of the justice court technology fund. The justice courts would be able to use the fund only with the approval of the commissioners court.

**OPPONENTS
SAY:**

The bill inappropriately would take the financial oversight of the justice court technology fund away from the county commissioners court and turn it over to the justices of the peace. The bill's provision subjecting expenditures to the approval of the commissioners court only would grant them a veto. It would not allow them to directly set the priorities for expenditures from the fund. In Texas county governments, the commissioners court has the power of the purse, with a few limited exceptions. It would be inappropriate to assign control of the justice court technology fund to justice courts because it would further erode the budgeting powers of the commissioners court.