

SUBJECT: Assessment of a law enforcement technology fee to certain defendants

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Herrero, Carter, Burnam, Canales, Hughes, Leach, Moody, Toth
1 nay — Schaefer

WITNESSES: For — Bobby Gutierrez, Justice of the Peace and Constables Association of Texas; (*Registered, but did not testify:* Leonardo Coelho, Travis County; Lon Craft, Texas Municipal Police Association; Melinda Griffith, Combined Law Enforcement Associations of Texas; Kirsha Haverlah, Justices of the Peace and Constables Association; Chris Kirk, Sheriffs Association of Texas; Seth Mitchell, Bexar County Commissioners Court; Don Tijerina, Deputy Sheriff's Association of Bexar County)

Against — (*Registered, but did not testify:* Mark Mendez, Tarrant County)

BACKGROUND: Justice courts are local trial courts of limited jurisdiction, including criminal misdemeanors punishable by fine only (Class C misdemeanors). County courts of law are courts created statutorily by the Legislature to aid the single constitutional county court in larger counties. Eighty-seven counties have a county court at law.

DIGEST: HB 1552 would allow the commissioners court of a county to create a law enforcement technology fund, which would be used to finance the purchase and maintenance of technological enhancements for the county law enforcement agency. In a county that created this fund, any defendant convicted of a misdemeanor offense in a justice court or county court at law would pay a \$2 law enforcement technology fee as a cost of the court, which would be deposited in the law enforcement technology fund.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

SUPPORTERS SAY: HB 1552 would provide much-needed funding for the maintenance of technology and communications equipment for county law enforcement

agencies. The cost of law enforcement technology has gone up dramatically, and current funding for technological upgrades falls short. Public safety and law enforcement efficiency and effectiveness would be improved if the proper technological updates were funded, but these updates are expensive. This permissive bill would allow counties to collect this small fee to fund important technology updates to improve public safety and increase law enforcement efficiency.

OPPONENTS SAY:

HB 1552 would enable the collection of yet another fee from a person convicted of a misdemeanor for purposes that would not necessarily benefit local jurisdictions. To the extent a county assesses court fees, it should have discretion over how the money is spent, instead of being required to use the fees for law enforcement technology purposes that may not be the best use of the money locally.

If such a program is truly worth considering, the assessment of the fee should not be limited to defendants convicted in a justice court or a county court at law. Because justice courts do not have jurisdiction over class A and B misdemeanors and not all counties have a county court at law, some counties would not be able to collect the law enforcement technology fee on all misdemeanor convictions.