

BILL ANALYSIS

Senate Research Center

H.B. 2272
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Jurisprudence
5-14-97
Engrossed

DIGEST

Currently, municipal courts in Texas collect a wide variety of fees for state funds. These funds range from the Criminal Justice Planning Fund to the Compensation to Victims of Crime Fund. In most cases, the fees are imposed on a person convicted of any criminal offense and range from \$1 to \$100. For most of these collection efforts, cities are allowed to keep some of the fine money and some or all of the interest earned as a reimbursement for costs incurred to collect the fees and remit them to the state.

There are concerns that state court costs are complicated to administer and thus adversely impact municipal courts. This bill would simplify the procedures through which state fees are collected in municipal court by consolidating the majority of fees into one charge. The city would be required to remit the funds to the comptroller, who would in turn allocate the money to the appropriate funds. The city would be allowed to retain the same percentage as is allowed under current law as a service fee. The percentage amounts in the bill that would be distributed to the various funds are based upon each fund's current share.

PURPOSE

As proposed, H.B. 2272 simplifies the procedures through which state fees from criminal court cases are collected in municipal, justice, county, and district courts by consolidating the majority of fees into one charge.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 102.013, Code of Criminal Procedure, to delete existing Subsections (a)-(f) regarding court costs. Deletes text providing that all funds collected under Subsection (a) of this article are subject to audit by the comptroller. Makes conforming changes.

SECTION 2. Amends Article 102.016, Code of Criminal Procedure, to delete existing Subsections (a)-(e) regarding costs of breath alcohol testing. Deletes Subsection (g) regarding the custodian of a municipal or county treasury in a county that uses the services of a certified technical supervisor employed by the Department of Public Safety (department) for the administration of a certified alcohol testing program. Authorizes the custodian of a municipal or county treasury in a county that maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by the department to retain \$22.50 of each court cost collected under Article 102.075 on conviction of an offense under certain codes, rather than requiring the custodian to remit \$7.50 of each cost collected under this article to the comptroller and retain \$22.50. Deletes text requiring the comptroller to deposit all funds received under this article to the credit of the general revenue fund. Authorizes the legislature to appropriate money deposited to the credit of the breath alcohol testing account in the general revenue fund under this subsection to the Department of Public Safety for certain uses. Makes conforming changes.

SECTION 3. Amends Chapter 102C, Code of Criminal Procedure, by adding Article 102.075, as follows:

Art. 102.075. COURT COSTS FOR SPECIAL SERVICES. (a) Sets forth required payments for a person convicted of an offense, except as provided by Subsection (b).

(b) Provides that Subsection (a) does not apply to a person convicted under Title 7C, Transportation Code, if the person is convicted of a provision of that subtitle regulating pedestrians or the parking of a motor vehicle.

(c) Requires an officer collecting a cost due under this article in a case in municipal court to keep separate records of the money collected and to deposit the money in the county treasury.

(d) Requires an officer collecting a cost due under this article in a justice, county, or district court, to keep separate records of the money collected and to deposit the money in the county treasury.

(e) Requires an officer collecting a cost due under this article to file the report required by Article 103.005. Requires, if no money due as a cost under this article is collected in any quarter, the report required for that quarter to be filed in the regular manner, and requires the report to state that no money under this article was collected.

(f) Authorizes the custodian of money in a municipal or county treasury to deposit money collected under this article in an interest-bearing account. Sets forth certain requirements for the custodian.

(g) Authorizes a municipality or county to retain 10 percent of the money collected under this article as a service fee for the collection. Authorizes the municipality or county to retain any interest accrued on the money under certain conditions.

(h) Requires the comptroller to deposit money received under this article to the credit of the certain accounts in the general revenue fund according to certain specified percentages.

(i) Sets forth requirements regarding each dollar credited to the law enforcement officers standards and education account under Subsection (h).

(j) Provides that money collected under this article is subject to audit by the comptroller. Provides that money spent is subject to audit by the state auditor.

(k) Provides that except for a conviction in a municipal court or as otherwise provided by this article, Chapter 103 applies to the collection of a cost under this article.

(l) Sets forth provisions in this article regarding certain court costs and convictions.

SECTION 4. Repealer: Articles 37.072, 102.015, 102.051-102.055. and Chapter 102D, Code of Criminal Procedure; and Section 601.192, Transportation Code, and Sections 415.082 and 415.083, Government Code.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.