

BILL ANALYSIS

Senate Research Center

S.B. 848
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Finance
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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, S.B. 848 to simplify the procedures through which state fees from criminal courts 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 56.57(a), Code of Criminal Procedure, to require the comptroller to deposit moneys credited to the victims of crime fund by any law in the compensation to victims of crime fund. Deletes text requiring the comptroller to deposit funds received under Section 56.56 and all other moneys to the fund by any other provision of law in the compensation to victims of crime fund.

SECTION 2. Amends Article 102.013, Code of Criminal Procedure, as follows:

Art. 102.013. New heading: CRIME STOPPERS ASSISTANCE ACCOUNT. Deletes 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 3. Amends Article 102.016, Code of Criminal Procedure, to delete existing Subsections (a)-(e) and (g). Provides that the custodian of a municipal or county treasury in a county treasury, in a county that meets certain qualifications, may, to defray the costs of maintaining and supporting a certified alcohol breath testing program, retain \$22.50 of each court cost collected under Article 102.075 on conviction of a specific offense. Deletes text requiring the custodian to remit \$7.50 of each cost collected under this article to the comptroller, and retain \$22.50 of the cost. Deletes a provision 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 chapter to the Department of Public Safety for use by the Department of Public Safety in the implementation, administration, and maintenance of the statewide certified breath alcohol testing program. Makes conforming changes.

SECTION 4. Amends Chapter 102C, Code of Criminal Procedure, by adding Article 102.075, as follows:

Art. 102.075. COURT COSTS FOR SPECIAL SERVICES. Requires, except as provided by Subsection (b), a person convicted of an offense to pay, in addition to all other costs, certain specific costs depending upon the offense for which the person is convicted. Provides that Subsection (a) does not apply to a person convicted under Title 7C, Transportation Code, under certain conditions. Sets forth requirements for an officer collecting a cost due under this article. 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. Sets forth provisions regarding the money collected under this chapter for a municipality or county. Requires the comptroller to deposit money received under this article to the credit of certain accounts in the general revenue fund according to certain specified percentages. Sets forth requirements regarding each dollar credited to the law enforcement officers standards and education account under Subsection (h). 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. 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. Provides that in this article court costs are due from the person regardless of whether the person submitted a specimen of breath or blood for analysis. Provides that in this article a person is considered to have been convicted in a case under certain conditions.

SECTION 5. Repealer: (1) Article 37.072, Code of Criminal Procedure (Fee on Conviction of Certain Sexual Offenses - The Verdict).

(2) Articles 56.55 and 55.56, Code of Criminal Procedure (Court Costs, Deposits and Remittances of Court Courts - Rights of Crime Victims).

(3) Article 102.015, Code of Criminal Procedure (Misdemeanor Costs - Costs Paid by Defendants).

(4) Articles 102.051, 102.052, 102.053, 102.054 and 102.055, Code of Criminal Procedure (Misdemeanor and Felony Costs, Record of Collection, Reports Required, Transfer of Funds to Comptroller, Special Fund - Costs Paid by Defendants).

(5) Chapter 102D, Code of Criminal Procedure (Comprehensive Rehabilitation Fund).

(6) Section 601.192 (Court Costs - Failure to Maintain Motor Vehicle Liability Insurance), Transportation Code.

(7) Sections 415.082 and 415.083, Government Code (Court Costs - Officer Standards and Education).

SECTION 6. Effective date: January 1, 1998.

Makes application of this Act prospective.

SECTION 7. Emergency clause.