

BILL ANALYSIS

Senate Research Center
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S.B. 391
By: West
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2005, legislation was passed requiring cities with a population over 100,000 and counties with a population over 50,000 to implement court cost collection improvement programs based on model rules adopted by the Office of Court Administration. While this program has been successful to an extent, some local governments have had trouble collecting past due fines and court costs from defendants after the period of community supervision has ended. This is due to an Attorney General's Opinion, issued shortly after the passage of the legislation, which has been interpreted as a prohibition on collections upon the completion of probation—even from those defendants who have not satisfied their outstanding obligations.

S.B. 391 seeks to remedy this situation by stating clearly that the obligation of a defendant to pay fines and court costs as ordered by a judge is independent of the obligations of community supervision. The intent of this bill is to afford local governments the ability to recoup the costs of adjudication and any outstanding fines, while maintaining the existing remedies afforded to a judge during the community supervision period.

As proposed, S.B. 391 amends current law relating to a defendant's obligation to pay a fine or court cost after the expiration of a period of community supervision.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11, Article 42.12, Code of Criminal Procedure, by adding Subsection (b-1), as follows:

(b-1) Provides that a defendant's obligation to pay a fine or court cost as ordered by a judge exists independently of any requirement to pay the fine or court cost as a condition for the defendant's community supervision. Provides that a defendant remains obligated to pay any unpaid fine or court cost after the expiration of the defendant's period of community supervision.

SECTION 2. Effective date: September 1, 2013.