1   AN ACT

2   relating to the administration of the collection improvement

3   program.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1.   Articles 103.0033(a), (b), (c), (d), (e), (f),

6   (h), (i), and (j), Code of Criminal Procedure, are amended to read

7   as follows:

8   (a)   In this article:

9   (1)   "Eligible case" means a criminal case in which the

10 judgment has been entered by a trial court.   The term does not

11 include a criminal case in which a defendant has been placed on

12 deferred disposition or has elected to take a driving safety

13 course.

14   (2)   "Office" means the Office of Court Administration

15 of the Texas Judicial System.

16   (3) [(2)]   "Program" means the program to improve the

17 collection of court costs, fees, and fines imposed in criminal

18 cases, as developed and implemented under this article.

19   (b)   This article applies [only] to each[+

20   [(1)   a] county in this state [with a population of

21 50,000 or greater,] and to each

22   [(2)   a] municipality with a population of 100,000 or

23 greater.

24   (c)   Unless granted a waiver under Subsection (h), each

1

1 [county and] municipality shall develop and implement a program

2 that complies with the prioritized implementation schedule under

3 Subsection (h). A county may develop and implement a program that

4 complies with the prioritized implementation schedule under

5 Subsection (h). A county program must include district, county,

6 and justice courts.

7   (d) The program must consist of:

8   (1) a component that conforms with a model developed

9 by the office and designed to improve in-house collections for

10 eligible cases through the application of best practices; and

11   (2) a component designed to improve the collection of

12 balances for eligible cases more than 60 days past due, which may be

13 implemented by entering into a contract with a private attorney or

14 public or private vendor in accordance with Article 103.0031.

15   (e) Not later than June 1 of each year, the office shall

16 identify those counties and municipalities that:

17   (1) have not implemented a program; and

18   (2) are planning [able] to implement a program before

19 April 1 of the following year.

20   (f) The [comptroller, in cooperation with the] office[,]

21 shall develop a methodology for determining the collection rate of

22 counties and municipalities described by Subsection (e) before

23 implementation of a program. The office [comptroller] shall

24 determine the rate for each county and municipality not later than

25 the first anniversary of the county's or municipality's adoption of

26 a program.

27   (h) The office[, in consultation with the comptroller,]

1 may:

2   (1) use case dispositions, population, revenue data,

3 or other appropriate measures to develop a prioritized

4 implementation schedule for programs; and

5   (2) for a municipality, determine whether it is not

6 actually cost-effective to implement a program in the [a county or]

7 municipality and grant a waiver to the [county or] municipality.

8   (i) Each county that implements a program and each

9 municipality shall at least annually submit to the office [and the

10 comptroller] a written report that includes updated information

11 regarding the program, as determined by the office [in cooperation

12 with the comptroller]. The report must be in a form approved by the

13 office [in cooperation with the comptroller].

14   (j) The office [comptroller] shall periodically audit

15 [counties and] municipalities to verify information reported under

16 Subsection (i) and confirm that the [county or] municipality is

17 conforming with requirements relating to the program.   [The

18 comptroller shall consult with the office in determining how

19 frequently to conduct audits under this section.]

20   SECTION 2. Section 133.058(e), Local Government Code, is

21 amended to read as follows:

22   (e) A municipality [or county] may not retain a service fee

23 if, during an audit under [Section 133.059 of this code or] Article

24 103.0033(j), Code of Criminal Procedure, the Office of Court

25 Administration of the Texas Judicial System [comptroller]

26 determines that the municipality [or county] is not in compliance

27 with Article 103.0033, Code of Criminal Procedure, and if the

1 municipality is unable to reestablish compliance on or before the

2 180th day after the date the municipality receives written notice

3 of noncompliance from the office. After any period in which the

4 municipality becomes unable to retain a service fee under this

5 subsection, the [The] municipality [or county] may begin once more

6 [continue] to retain the [a service] fee only [under this section]

7 on receipt of a written confirmation from the office [comptroller]

8 that the municipality [or county] is in compliance with Article

9 103.0033, Code of Criminal Procedure.

10 SECTION 3. Section 133.103(c-1), Local Government Code, is

11 amended to read as follows:

12 (c-1) The treasurer shall send to the comptroller 100

13 percent of the fees collected under this section by a municipality

14 [to the comptroller] if, during an audit under [Section 133.059 of

15 this code or] Article 103.0033(j), Code of Criminal Procedure, the

16 Office of Court Administration of the Texas Judicial System

17 [comptroller] determines that the municipality [or county] is not

18 in compliance with Article 103.0033, Code of Criminal Procedure,

19 and if the municipality is unable to reestablish compliance on or

20 before the 180th day after the date the municipality receives

21 written notice of noncompliance from the office. After any period

22 in which the treasurer is required under this subsection to send 100

23 percent of the fees collected under this section to the

24 comptroller, the [The] municipality [or county] shall begin once

25 more [continue] to dispose of fees as otherwise provided by this

26 section on receipt of a written confirmation from the office

27 [comptroller] that the municipality [or county] is in compliance

4

1 with Article 103.0033, Code of Criminal Procedure.

2   SECTION 4. Section 706.005(a), Transportation Code, is

3 amended to read as follows:

4   (a) A political subdivision shall immediately notify the

5 department that there is no cause to continue to deny renewal of a

6 person's driver's license based on the person's previous failure to

7 appear or failure to pay or satisfy a judgment ordering the payment

8 of a fine and cost in the manner ordered by the court in a matter

9 involving an offense described by Section 706.002(a), on payment of

10 a fee as provided by Section 706.006 and:

11   (1) the perfection of an appeal of the case for which

12 the warrant of arrest was issued or judgment arose;

13   (2) the dismissal of the charge for which the warrant

14 of arrest was issued or judgment arose;

15   (3) the posting of bond or the giving of other security

16 to reinstate the charge for which the warrant was issued;

17   (4) the payment or discharge of the fine and cost owed

18 on an outstanding judgment of the court; or

19   (5) other suitable arrangement to pay the fine and

20 cost within the court's discretion.

21   SECTION 5. The change in law made by this Act in amending

22 Sections 133.058(e) and 133.103(c-1), Local Government Code,

23 applies only to an audit commenced on or after the effective date of

24 this Act. An audit commenced before the effective date of this Act

25 is governed by the law in effect when the audit was commenced, and

26 the former law is continued in effect for that purpose.

27   SECTION 6. The change in law made by this Act in amending

1 Article 103.0033, Code of Criminal Procedure, applies only to a
2 court cost, fee, or fine imposed in a criminal case on or after the
3 effective date of this Act. A court cost, fee, or fine imposed in a
4 criminal case before the effective date of this Act is governed by
5 the law in effect on the date the cost, fee, or fine was imposed, and
6 the former law is continued in effect for that purpose.

7   SECTION 7.   This Act takes effect September 1, 2011.

H.B. No. 2949

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 2949 was passed by the House on May 4, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2949 on May 27, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2949 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: **17 JUN '11**
　　　　　　　Date

Rick Perry
Governor

7