

SUBJECT: Identifying and implementing new court costs

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — Thompson, Hartnett, Deshotel, Hinojosa, Solis, Talton, Uresti
0 nays
2 absent — Capelo, Garcia

SENATE VOTE: On final passage, May 3 — 30-0

WITNESSES: No public hearing

BACKGROUND: In both civil and criminal cases, court costs are collected by a number of different entities, including municipal, county, and district courts, justice courts, and corrections programs. In 1997, the 75th Legislature consolidated 10 court fees that provide funds for various programs into a single fee to be remitted to the comptroller for allocation to the relevant funds or programs. The comptroller had recommended consolidating the fees to reduce the administrative burden on cities and counties that must collect, report, and remit the fees to the state. However, the 75th Legislature also created four new court fees, and more have been authorized since then.

SCR 12 by Ellis, adopted by the 76th Legislature, directed the comptroller to “develop strategies for increasing the efficiency and reducing the complexity of fee collection and dispersal by county and municipal clerks” and to submit recommendations to the Legislature by January 1, 2001. The comptroller’s report in March 2000 made a number of recommendations, including a suggestion that fees not be effective until January 1 following the legislative session, in order to give the comptroller and local governments time to make the administrative changes needed to implement the new fees.

DIGEST: SB 1379 would require the comptroller after each legislative session to identify each new law that imposed or changed a court cost or fee that a local court would have to collect and remit to the comptroller. The comptroller would have to publish a list of such new or changed costs or

fees and the dates that they would take effect in the Texas Register by August 1 following a regular session.

No fee would be effective until the January 1 following the date that the law imposing or changing it took effect, unless the law imposing or changing the fee expressly provided that this provision did not apply or if the law took effect before August 1 following the regular session in which the law was enacted.

The 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, 2001.

**SUPPORTERS
SAY:**

SB 1379 would provide local governments and courts that collect court fees for the state the notice they needed of those fees in a simplified format, as well as the time they needed to implement the changes. The bill would do this while providing a mechanism for the Legislature to begin collecting fees immediately if that were necessary.

**OPPONENTS
SAY:**

The bill potentially could delay collection of fees and thus reduce the state's ability to collect needed revenue.

NOTES:

SB 1379 is part of a package of legislation by Armbrister (Thompson), including:

- ! SJR 49, which would make new court fees valid only if they conformed to a legislative program for consolidation of such fees;
- ! SB 1378, the enabling legislation for SJR 49, which would consolidate court costs into one fee, collected and remitted quarterly to the comptroller; and
- ! SB 1377, which would require the state auditors office to provide oversight of funds and accounts to which court costs were deposited.

SJR 49 passed the Senate on May 1, while SB 1378 and 1377 passed the Senate on May 3. SJR 49 and SB 1377 are set on today's House calendar, and SB 1378 is set on tomorrow's calendar.