

- SUBJECT:** Consolidating and standardizing criminal court costs and fees
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White
- 0 nays
- SENATE VOTE:** On final passage, April 17 — 30-1 (Kolkhorst)
- WITNESSES:** For — (*Registered, but did not testify:* Cary Roberts, County and District Clerks' Association of Texas; David Sinclair, Game Warden Peace Officers Association; Lynn Holt, Justice of the Peace and Constables Association of Texas; Dennis D. Wilson, Sheriffs' Association of Texas; Jack Crier and Mario Martinez, Texas State Troopers Association; and 10 individuals)
- Against — None
- On — David Slayton, Office of Court Administration, Texas Judicial Council; (*Registered, but did not testify:* Deanna L. Kuykendall, Texas Municipal Courts Association)
- BACKGROUND:** Concerns have been raised about the complexity of and potential constitutional issues relating to the administration of criminal fees, court costs, and fines.
- DIGEST:** CSSB 346 would consolidate and standardize the collection of certain court costs and fees payable to local governments upon criminal convictions and direct how such amounts would be allocated, eliminating a number of separate criminal court costs and fees. The bill would increase court costs payable to the comptroller upon a criminal conviction and would modify how such costs were allocated. CSSB 346 also would change statutory language to distinguish between amounts assessed as criminal court costs, fees, and fines.

Criminal fees payable to local governments. CSSB 346 would require that a consolidated fee be collected upon criminal conviction and remitted to either the county or municipal treasury, as appropriate.

A person convicted of a felony would have to pay a fee of \$105, a person convicted of a class A or class B misdemeanor would have to pay a fee of \$123, and a person convicted of a nonjailable misdemeanor would have to pay a fee of \$14. The bill would determine how these fees would be allocated to various accounts and would require that money allocated to a certain account be used only as provided by the bill.

The bill would require that county and municipal treasuries maintain various new accounts to which such fees would be allocated. These accounts would include:

- the clerk of the court account, which would be maintained in the county treasury and used to defray costs of services provided by a county or district clerk;
- the county specialty court account, which would be maintained in the county treasury and used to fund specialty court programs;
- the county or municipal jury fund, which would be maintained in the county or municipal treasury and used to fund jury reimbursements and otherwise finance jury services;
- the county records management and preservation fund, which would be maintained in the county treasury and used to fund records management and preservation services performed by the court clerk; and
- the local truancy prevention fund, which would be maintained in the county or municipal treasury and used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager and, if there was money in the fund after such amounts had been paid, to implement programs directly related to the duties of the juvenile case manager.

Other currently existing accounts to which these fees would be allocated would include the county and district court technology fund, courthouse security fund, municipal court technology fund, and justice court technology fund.

CSSB 346 would decrease from \$25 to \$15 the fee to be paid by a person convicted of a felony or misdemeanor who failed to pay any part of a fine, court costs, restitution, or another reimbursement fee within 30 days after judgment was entered. The municipal or county treasurer would be required to deposit this fee in a separate account in the general fund of the municipality or county to be used for the purpose of improving the collection of outstanding court costs, fines, reimbursement fees, or restitution or improving the efficiency of the administration of justice.

The bill also would decrease the fee to be paid for failure to appear for a complaint or citation or failure to pay or satisfy a judgment from \$30 to \$10. These fees would be remitted to the municipal or county treasurer and deposited to the credit of the general fund of the municipality or county.

Criminal court costs payable to comptroller. CSSB 346 would increase the court costs payable to the comptroller from \$133 to \$185 upon conviction of a felony, from \$83 to \$147 upon conviction of class A or class B misdemeanor, and from \$40 to \$62 upon conviction of a nonjailable misdemeanor.

The allocation of such court costs would be modified for offenses committed on or after January 1, 2020. Portions of these costs would be allocated to the new specialty court account, jury service fund, DNA testing account, and transportation administrative fee account, among other currently existing accounts.

The bill would redesignate the drug court account in the general revenue fund as the specialty court account. Money in the account could be used only to fund specialty court programs. The Legislature could appropriate money from the account only to the Office of the Governor's Criminal

Justice Division for distribution to specialty court programs that applied for the money.

Money in the jury service fund in the state treasury could be appropriated only to provide juror reimbursements to counties. If the unexpended balance of the fund exceeded \$10 million, the comptroller would have to transfer this excess amount to the fair defense account.

CSSB 346 would allow money in the DNA testing account to be appropriated only to the Department of Public Safety (DPS) to help defray the cost of collecting or analyzing DNA samples provided by defendants who were required to pay court costs.

The Legislature could appropriate money in the transportation administrative fee account only to the DPS to defray administrative costs associated with implementing the denial of renewal of a driver's license for failure to appear based on a complaint or citation or failure to pay a fine or court cost.

Currently existing accounts that would be added to the list of accounts to which portions of court costs payable to the comptroller would be allocated would include the judicial fund, statewide electronic filing system account, and truancy prevention and diversion account. The bill would cease allocating funds to the emergency radio infrastructure account, and the account no longer would consist of interest attributable to money held in the account.

To the extent of any conflict, this bill would prevail over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take effect January 1, 2020, and would apply to a cost, fee or fine on conviction for an offense committed on or after this date.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$50.6 million to general revenue funds through fiscal 2020-21.

The bill also would have an estimated positive impact of \$19.6 million to multiple general revenue dedicated accounts and \$31.1 million in other funds through fiscal 2020-21.