

Subject: One pager for review

From: Richard Gee
Sent: Wednesday, December 14, 2016 4:47 PM
To: J. Duncan Webb IV
Cc:
Subject: One pager for review

Good afternoon Commissioner Webb,

I work in Senator Van Taylor's office and have been working on a bill regarding uncollectable fees that I believe you and the Senator discussed over the summer. We have it ready to file, and I drafted up a one pager that describe the background, purpose, and talking points of the bill. Throughout the upcoming session, this one pager will be distributed to other Senate and House offices should they request it, so I wanted to send it your way to make sure it accurately reflects Collin County's need for the bill.

I've attached that one pager, along with the bill itself, for your review.

Best regards,

Richard Gee
Policy Analyst
Office of Senator Van Taylor
512-463-0108

85R 847 by Senator Van Taylor		
<i>Relating to the maintenance of information entered into a fee record in certain counties.</i>		
Staff Contact: Richard Gee (512) 463.0108		
Committee Substitute? No.	Delegate Rulemaking? No.	Fiscal Impact? No.

Background & Purpose

Counties routinely collects unpaid fines, fees, or court costs as allowed by rulings in that county's trial courts. In many cases, court-ordered fees are collected expediently. Defendants who are deceased or serving a life long prison sentence, however, cannot pay these fees. A recent report by Collin County revealed substantial quantities of uncollectable fees over the past five years, and interested parties contend that the costs of collecting these fees outweighs the fees' value to the county. The parties further contend that the county should have the authority to remove these uncollectable fees from their record books.

Senate Bill ### allows district and county attorneys, district and county court clerks, sheriff, constables, and justices of the peace in Collin County to request, from the trial court that heard the criminal case and assessed the fee, that the fee be deemed uncollectable. SB ### provides that a fee is uncollectible if the officer believes the defendant is deceased, serving a life sentence or life without parole, or the fee has been unpaid for at least 15 years. The bill further provides that the officer shall attach a copy of the court's order to the fee record. These changes allow the county to cease wasteful collection efforts and better represent their fee record.

Talking Points

Defendants who are deceased or serving life sentences cannot pay court-ordered fees, causing officers to waste their collection efforts and forces counties to misrepresent future income. A recent report in Collin County showed large quantities of these uncollectable fees over the last five years, and the county does not have the ability to remove these fees from their records.

SB ### gives county officers who are charged with collecting fees the ability to request, from the court that issued the fee, that the fee be declared uncollectable. It provides that the court may find a fee uncollectable if the defendant is deceased, serving a life sentence, or if the fee has not been paid for at least 15 years from its issuance.

These changes finally allow the officers of Collin County to stop wasting their time and effort trying to collect fees from the imprisoned and deceased. It further provides the county with a means of clearing uncollectable fees from their records so that it can better calculate its future income.

SB ### was introduced as SB 857 in the 84th legislative session. A similar bill, HB 1181 by Representative Shaheen, was voted out of the House Committee on Criminal Jurisprudence unanimously.

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of information entered into a fee record in certain counties.

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

SECTION 1. Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0081 to read as follows:

Art. 103.0081. UNCOLLECTIBLE FEES. (a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fee has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

(c) This article applies only to a county with a population of more than 780,000 but less than 790,000.

SECTION 2. This Act takes effect September 1, 2017.