



Office of Court Administration

Memo

To: Chief Justice Nathan Hecht
Presiding Judge Sharon Keller
Members, Texas Judicial Council

From: David Slayton, Executive Director

Date: September 25, 2017

Re: Proposed Amendment to Sec. 175.1(b), Texas Administrative Code, Chapter 175,
Collection Improvement Program

House Bill 3167 (85th Legislature) amended Art. 103.0033(b) of the Code of Criminal Procedure to increase the population threshold for counties that are subject to the Collection Improvement Program (CIP). Effective September 1, 2017, the CIP applies only to counties with a population of 100,000 or greater. Prior to this amendment, counties with a population of 50,000 or greater were subject to the CIP.

The following is a proposed amendment to Sec. 175.1(b) of the CIP rules (Chapter 175, Texas Administrative Code) to make the rules consistent with the revised law. A copy of HB 3167 is attached.

§175.1. Purpose and Scope

- (b) Article 103.0033 and this chapter apply to counties [~~with a population of 50,000 or greater~~] and cities with a population of 100,000 or greater based on the last decennial census. Counties that have been granted a waiver under §175.6(b) of this chapter are not required to comply with the requirements in this chapter.

H. B. 3167

AN ACT

relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

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

SECTION 1. Article 103.0033(b), Code of Criminal Procedure, is amended to read as follows:

(b) This article applies only to[:

~~[(1)] a county or [with a population of 50,000 or greater; and~~

~~[(2) a] municipality with a population of 100,000 or greater.~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Chapter 175 Collections Improvement Program (1 TAC 175)

§175.1. Purpose and Scope.

(a) The purpose of this chapter is to provide notice to counties and municipalities that are subject to Article 103.0033 of the Code of Criminal Procedure of the scope and components of the Collection Improvement Program (CIP) model developed by the Office of Court Administration pursuant to Article 103.0033 and the standards that will be used to determine whether a county or municipality is complying with the CIP requirements.

(b) Article 103.0033 and this chapter apply to counties [~~with a population of 50,000 or greater~~] and cities with a population of 100,000 or greater based on the last decennial census. Counties that have been granted a waiver under §175.6(b) of this chapter are not required to comply with the requirements in this chapter.

(c) The CIP is designed to improve the enforcement of a defendant's compliance with the payment of costs, fees, and fines that have been ordered by a court, without imposing an undue hardship on the defendant or the defendant's dependents. The CIP components should not be interpreted to conflict with or undermine the provision to defendants of full procedural and substantive rights under the constitution and laws of this state and of the United States.

(d) The CIP does not alter a judge's legal authority or discretion to design payment plans of any amount or length of time; to convert costs, fees, and fines into community service or other non-monetary compliance options as prescribed by law; to waive costs, fees, and fines; or to reduce the total amount a defendant owes at any time; or to adjudicate a case for non-compliance at any time.

(e) The CIP applies to criminal cases in which the defendant is ordered to pay costs, fees, and fines under a payment plan.

(f) The CIP does not apply to cases in which: 1) the court has waived all court costs, fees, and fines; 2) the court authorizes discharge of the costs, fees, and fines through non-monetary compliance options; 3) the defendant has been placed on deferred disposition or has elected to take a driving safety course; or 4) the defendant is incarcerated, unless the defendant is released and payment is requested. The CIP does not apply to the collection of community supervision fees assessed under Sec. 42A.652 of the Code of Criminal Procedure.

(g) Although cases in which the court has ordered a defendant to satisfy his or her obligation regarding costs, fees, and fines through community service or other non-monetary compliance options are not subject to the CIP requirements, a judge may use local program staff to assist the court with monitoring a defendant's compliance with these court orders.