

# OCA Monthly Court Collection Reporting System (CCRS)

## Software Provider How to Apply Collected & Credited Amounts

### Applying Collected Amounts and Credits to Court Costs, Fees, and Fines

**Note:** Generally, the amount collected should be applied to *court costs and fees first* and fines second. This is true for all court levels – district courts, county-level courts, justice courts, and municipal courts. An exception to the general rule exists for defendants who have been placed on community supervision. In community supervision cases, the judge is free to set different rules regarding the order in which court costs and fines are to be satisfied. In practice, judges often have standing orders on community supervision cases. (Please be aware that community supervision cases exist only in the county-level courts and the district courts – there is no community supervision in cases coming out of the justice and municipal courts.)

Legal cite for directing partial payments to court costs and fees before fines is Tex. Attorney Gen. Op. No. DM-407 (1996).

#### **How are fees applied when the defendant has laid out a portion of the fine and cost in jail?**

The amount of the money owed that is satisfied by time-served jail credit or community service should be applied to the *fine first* and then the court costs.

#### **Are there any court costs or fees that have priority over other fees?**

No. If the actual money received is less than the amount of the court costs, distribute the money on a pro rata basis to all of the different court costs and fees. There is an idea floating around that court costs directed to the State have a priority over costs that are retained by local government. This idea is incorrect.

#### **How is the 30% collection fee applied?**

See Code of Criminal Procedure, Article 103.0031. According to Subsection (b) of this statute, the 30% collection fee is applied “on each item described in Subsection (a) that is more than 60 days past due and has been referred to the attorney or vendor for collection.” The collection fee does not apply to “any amount that has been satisfied through time-served credit or community service.” The collection fee is only to be applied to “any balance remaining after a partial credit for time served or community service.” The date used for computing “more than 60 days past due” for adjudicated cases, Subsection (f)(1), is “the date on which the debt, fine, fee, forfeited bond, or court cost must be paid in full as determined by the court...”

**When are monies owed to court costs, fees, and fines deemed no longer collectible by law?** Once a defendant’s term of community supervision ends, and the defendant was placed on community supervision before September 2013, he/she is no longer responsible for paying any remaining court costs, fees and fines that were assessed for that case [Tex. Attorney Gen. Op. No. GA-0413 (2006)]. However, the statute was changed and those placed on community supervision on or after September 2013 and those not placed on community supervision, the obligation to pay never ends. Also, if a defendant who is placed on community supervision is *not* ordered to pay court costs, fees, and fines *as a condition* of community supervision, the obligation to pay never ends.

How to apply payments and credits to court costs, fees, and fines can best be explained by an example, see below.

		Costs & Fees <sup>1</sup>	Time Payment	Collection Agency (30%) <sup>2</sup>	Warrant Fee	Court Cost Subtotal	Fines	Total
A	Judge's Order	250.00				250.00	300.00	550.00
B	Jail Credit						250.00	
	<i>Outstanding Balance</i>	250.00				250.00	50.00	300.00
C	No Payment After 30 days		25.00					
	<i>Outstanding Balance</i>	250.00	25.00			275.00	50.00	325.00
D	No Payment After 60 days			90.00				
	<i>Outstanding Balance</i>	220.00	25.00	90.00		335.00	50.00	385.00
E	No Payment After 30 days			7.50				
	<i>Outstanding Balance</i>	250.00	25.00	97.50		372.50	50.00	422.50
F	Payment \$200	<b>-134.23</b>	<b>-13.42</b>	<b>-52.35</b>				
	<i>Outstanding Balance</i>	115.77	11.58	45.15		172.50	50.00	222.50
G	Capias Pro Fine Issued				50.00			
	<i>Outstanding Balance</i>	115.77	11.58	45.15	50.00	222.50	50.00	272.50
H	No Payment After 60 days			15.00				
	<i>Outstanding Balance</i>	115.77	11.58	60.15	50.00	237.50	50.00	287.50
I	Payment \$100	<b>-48.75</b>	<b>-4.88</b>	<b>-25.33</b>	<b>-21.04</b>			
	<i>Outstanding Balance</i>	67.03	6.70	34.82	28.96	137.51	50.00	187.51
J	Payment of \$150	<b>-67.03</b>	<b>-6.70</b>	<b>-34.82</b>	<b>-28.96</b>		<b>-12.50</b>	
	<i>Outstanding Balance</i>	0.00	0.00	0.00	0.00	0.00	37.50	37.50

<sup>1</sup> An itemization of Court Costs & Fees can be found at the following link: <http://txcourts.gov/publications-training/publications/filing-fees-courts-costs>. Each appropriate cost or fee in the itemization is added together to equal the costs and fees amount in this example.

<sup>2</sup> Collection Agency Fee of 30% is not reported in the Court Collection Report System.

- A.) The defendant is convicted. The Judge orders the defendant to pay \$250 in court costs and a \$300 fine. Thus, the defendant is ordered to pay a total of \$550.
- B.) The defendant spent five days in jail before his conviction and is given credit time-served jail credit at the rate of \$50 per day. The \$250 in jail credit is applied to the \$300 fine. (Credit for community service is applied in the same manner.) The defendant is still responsible to pay the remaining \$50 on the fine and the \$250 in court costs totaling \$300. The defendant is placed on a payment plan of \$100.00 per month for three (3) months.

The amount of the money owed that is satisfied by time served in jail should be applied to the fine first and then the court costs and fees. Tex. Attorney Gen. Op. No. DM-407 (1996).

- C.) The defendant does not pay within 30 days so a \$25 Time Payment Fee is added to the \$250 in court costs on the 31<sup>st</sup> day. The defendant now owes \$275 in court costs, plus the remaining \$50 still owed toward the fine, totaling \$325.
- D.) The defendant does not pay any part of this \$325 within 60 days of the judgment and the case is turned over to a collection agency. Because the payment plan agreement states that “this sum is due and payable immediately” and “failure to pay an installment by the due date will make the entire balance due and payable without further notice”, the 61<sup>st</sup> day is calculated from the judgment date. (Had this been a deferred disposition case, the plea/sentence date would have been used.) Had that or similar wording not been on the payment plan agreement, then the 61<sup>st</sup> day would be calculated from the date the final payment is due. A Collection Agency Fee of \$90.00 (30% of the \$300) is assessed. Note that Collection Agency Fee does not include 30% of the \$25 Time Payment Fee because 60 days have not elapsed since the assessment of that fee. The defendant now owes \$90 collection fee plus the outstanding \$325, totaling \$415.

See Code of Criminal Procedure, Article 103.0031. According to Subsection (b) of this statute, the 30% collection fee applies to “each item described in Subsection (a) that is more than 60 days past due and has been referred to the attorney or vendor for collection” but does not apply to “any amount that has been satisfied through time-served jail credit or community service.” The collection fee is only to be applied to “any balance remaining after a partial credit for time served or community service.”

- E.) The defendant does not pay after an additional 30 days and 30% of the \$25 Time Payment Fee is added to the Collection Agency Fee. (On the 61<sup>st</sup> day after the assessment date of the Time Payment Fee.)
- F.) The defendant decides to pay \$200. The \$200 is distributed among all the various court cost destinations on a pro rata basis. The proportional rate is calculated by dividing the payment amount by the outstanding court costs.

In this example the proportional rate would be 53.69% ( $\$200/\$372.50$ ). So all of the various outstanding court costs and fees destinations will receive 53.69% of the payment amount to be applied to towards the amount owed in that category.

	Outstanding Balance	Proportional Rate	Amount Applied to Fee
Costs & Fees	\$220.00	53.69%	\$118.12
Omni Fee	30.00	53.69%	16.11
Time payment Fee	25.00	53.69%	13.42
Collection Agency (30%)	97.50	53.69%	52.35
Total	\$372.50		\$200.00

**Note:** The \$200 will not be applied to the \$50 remaining to be paid on the fine. Since the actual money received is less than the amount of the court costs and fees, the money is distributed on a pro rata basis to all of the different outstanding court costs and fees. See Code of Criminal Procedure, Article 103.0031. According to Subsection (b) of this statute, the 30% collection fee applies to “each item

described in Subsection (a) that is more than 60 days past due and has been referred to the attorney or vendor for collection.”

- G.) The defendant does not make his scheduled payment and a *capias pro fine* is issued resulting in a court cost of \$50.00 being added to the \$172.50 in outstanding court costs.
- H.) The defendant does not make a payment with 60 days of the Warrant Fee being assessed to the case. An additional \$15.00 (30% of \$50.00) is assessed for the Collection Agency Fee and added to the remaining \$45.15 owed to the collection agency. Now the defendant owes \$237.50 in court costs along with the \$50 fine.

**Note:** The collection agency gets to add their 30% fee to any additional court costs, and fees incurred but not paid after the case has been turned over to the collection agency as long as 60 days have elapsed since the assessment of the additional court cost or fee.

- I.) The defendant decides to start paying again and pays \$100. The payment, again, is distributed among all the various court cost destinations on a *pro rata* basis. The proportional rate is calculated by dividing the payment amount by the outstanding court costs.

In this example the proportional rate would be 42.11% ( $\$100/237.50$ ). So all of the various court costs and fee destinations will receive 42.11% of the payment amount to be applied towards the amount owed in that category.

	Outstanding Balance	Proportional Rate	Amount Applied to Fee
Costs & Fees	\$101.88	42.11%	\$42.90
Omni Fee	13.89	42.11%	5.85
Time payment	11.58	42.11%	4.88
Collection Agency (30%)	60.15	42.11%	25.33
Warrant Fee	50.00	42.11%	21.04
Total	\$237.50		\$100.00

- J.) The defendant makes a \$150 payment but never pays another cent. The outstanding court cost of \$137.50 will be paid off with the remaining \$12.50 to be applied to the \$50 fine balance. The defendant is now liable for \$37.50 in fines.

**Note:** Since the actual money received is more than the amount of the court costs, the remaining payment amount can finally be applied to court fines.