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District clerk bailing on court fees, critics say

Bondsmen should be paying \$230, but are billed only \$8, judge asserts

By BRIAN ROGERS
HOUSTON CHRONICLE
Aug. 4, 2011, 7:09AM

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Harris County District Clerk Chris Daniel has not collected hundreds of thousands of dollars in court costs since taking office in January because, critics say, it would hurt business for bail bondsmen who contributed to his campaign.

"He's nervous about doing it because bondsmen supported him a great deal during his election so he wants cover," said Judge Mike Fields, chairman of the county board that licenses bail bondsmen. "No individual or group of individuals should come before your obligation to the citizens of this county when you're an elected official — no matter how tough it is."

The court costs are generated by lawsuits filed against bail jumpers and bondsmen to have bail money forfeited after a defendant fails to appear for court.

Fields said not collecting the money during tight economic times was "baffling." He said the court costs, now set at \$8, are supposed to be about \$230, a move that would raise more than \$1.5 million a year for Harris County.

Fields said Daniel told him he did not want to "levy a tax" on bail bondsmen who contributed to his election.

Daniel acknowledged he has called the fee a "tax" because it raises the amount bail bondsmen charge defendants, but denied being influenced by more than \$10,000 in campaign contributions from bondsmen.

He said he has been trying to untangle the changing law in order to set the correct fee.

"I don't care who gives me what," Daniel said. "The law comes first."

Daniel said he was not briefed in depth regarding the situation until about a month ago.

His predecessor, Loren Jackson, was notified in November that the state law, which had been in flux, was finally settled. The lame duck district clerk did not raise the fees, either.

Precinct 3 Commissioner Steve Radack expressed surprise at the county's failure to collect the court costs.

"It disturbs me greatly that an elected official may be ignoring the law and not collecting fees that are mandated by state law," Radack said. "That is depriving the taxpayers of Harris County of revenue."

Daniel said his concern with the higher fee was the "unintended consequence" of increasing the jail population.

Making bail bonds more expensive could mean more people stay in jail, he said.

Daniel said he expects the fee to be raised to about \$230 this month.

In Houston, the Harris County District Attorney's Office is tasked with filing the lawsuits that would bring in the fee.

Kathy Braddock, chief of the district attorney's bond forfeiture division, declined to discuss Daniel.

However, she said the law clearly outlines that the district clerk has no discretion in either the amount of the fees to charge or the charging of those fees.

"The district attorney's office believes the district clerk should be collecting all of the fees as mandated by state law," Braddock said.

She said the fee is assessed on people who fail to appear in court, not on bondsmen. The bondsmen, though, must collect it from their clients.

There are state laws on how much to collect and where the court costs go, including the district clerk's office, the judiciary, and courthouse security, Braddock said.

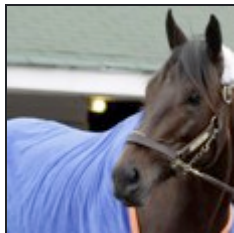
Fields, who also is a county court-at-law judge, said he is frustrated by defendants who are penalized just \$8 when they do not show up for court.

He also is frustrated, he said, because every other major county in Texas charges the fee, including Fort Bend and Montgomery counties.

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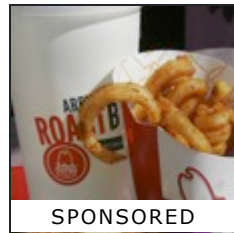
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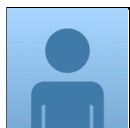
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East-of-Main 6:45 AM on August 4, 2011

Before we get too carried away by republican vs. democrat stuff, for the record, Mike Fields, who is calling this to our attention, is also a republican, and Kathy Braddock works for a republican district attorney. And, finally, the former district clerk, a democrat, also didn't collect the fee. .

Let's work together to straighten this mess out, not get into R and D wars.

REPLY (54) (1) **POPULARITY:** 53

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Wildcatter1963 2:44 AM on August 4, 2011

The residents of Harris county need to sue this Daniel clown to hold him PERSONALLY responsible for moneys lost. I suspect that having to pay the county 1.5 million out of his own pocket will discourage his doing his buddies favors in the future.

REPLY (35) (8) **POPULARITY:** 27

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hotpuppy 7:37 AM on August 4, 2011

Yea, well when you buy a used car from a individual the county has NO PROBLEM inventing a crazy "value" to TAX you on..... THIEVES!

REPLY (17) (2) **POPULARITY:** 15

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