

By: Zaffirini

S.B. No. 1923

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal court costs, fines, and fees.

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

SECTION 1. Article 42.152(b), Code of Criminal Procedure, is amended to read as follows:

(b) After receiving a payment of a fine from a person ordered to make the payment under this article, the clerk of the court or fee officer shall:

(1) make a record of the payment;

(2) deduct a one-time \$7 reimbursement ~~[processing]~~ fee from the payment for deposit in the general fund of the county;

(3) forward the payment to the designated crime stoppers organization; and

(4) make a record of the forwarding of the payment.

SECTION 2. Articles 42A.303(d) and (f), Code of Criminal Procedure, are amended to read as follows:

(d) If a judge requires as a condition of community supervision that the defendant serve a term of confinement and treatment in a substance abuse felony punishment facility under this article, the judge shall also require as a condition of community supervision that on release from the facility the defendant:

(1) participate in a drug or alcohol abuse continuum of care treatment plan; and

1 (2) pay a reimbursement fee in an amount established
2 by the judge for residential aftercare required as part of the
3 treatment plan.

4 (f) The clerk of a court that collects a reimbursement fee
5 imposed under Subsection (d)(2) shall deposit the reimbursement fee
6 to be sent to the comptroller as provided by Subchapter B, Chapter
7 133, Local Government Code, and the comptroller shall deposit the
8 reimbursement fee into the general revenue fund. If the clerk does
9 not collect a reimbursement fee imposed under Subsection (d)(2),
10 the clerk is not required to file any report required by the
11 comptroller that relates to the collection of the reimbursement
12 fee. In establishing the amount of a reimbursement fee under
13 Subsection (d)(2), the judge shall consider fines, fees, and other
14 necessary expenses for which the defendant is obligated. The judge
15 may not:

16 (1) establish the reimbursement fee in an amount that
17 is greater than 25 percent of the defendant's gross income while the
18 defendant is a participant in residential aftercare; or

19 (2) require the defendant to pay the reimbursement fee
20 at any time other than a time at which the defendant is both
21 employed and a participant in residential aftercare.

22 SECTION 3. Chapter 101, Code of Criminal Procedure, is
23 amended by adding Article 101.004 to read as follows:

24 Art. 101.004. MEANING OF CONVICTION. In this title, a
25 person is considered to have been convicted in a case if:

26 (1) a judgment, a sentence, or both a judgment and a
27 sentence are imposed on the person;

1 (2) the person receives community supervision,
2 deferred adjudication, or deferred disposition; or

3 (3) the court defers final disposition of the case or
4 imposition of the judgment and sentence.

5 SECTION 4. Article 102.011(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) A defendant convicted of a felony or a misdemeanor shall
8 pay the following reimbursement fees to defray the cost of the [for]
9 services provided [performed] in the case by a peace officer:

10 (1) \$5 for issuing a written notice to appear in court
11 following the defendant's violation of a traffic law, municipal
12 ordinance, or penal law of this state, or for making an arrest
13 without a warrant;

14 (2) \$50 for executing or processing an issued arrest
15 warrant, *capias*, or *capias pro fine*, with the fee imposed for the
16 services of:

17 (A) the law enforcement agency that executed the
18 arrest warrant or *capias*, if the agency requests of the court, not
19 later than the 15th day after the date of the execution of the
20 arrest warrant or *capias*, the imposition of the fee on conviction;
21 or

22 (B) the law enforcement agency that processed the
23 arrest warrant or *capias*, if:

24 (i) the arrest warrant or *capias* was not
25 executed; or

26 (ii) the executing law enforcement agency
27 failed to request the fee within the period required by Paragraph

1 (A);

2 (3) \$5 for summoning a witness;

3 (4) \$35 for serving a writ not otherwise listed in this
4 article;

5 (5) \$10 for taking and approving a bond and, if
6 necessary, returning the bond to the courthouse;

7 (6) \$5 for commitment or release;

8 (7) \$5 for summoning a jury, if a jury is summoned; and

9 (8) \$8 for each day's attendance of a prisoner in a
10 habeas corpus case if the prisoner has been remanded to custody or
11 held to bail.

12 SECTION 5. Article 102.018(c)(1), Code of Criminal
13 Procedure, is amended to read as follows:

14 (1) Except as provided by Subsection (d) of this article, if
15 a person commits an offense under Chapter 49, Penal Code, and as a
16 direct result of the offense the person causes an incident
17 resulting in an accident response by a public agency, the person is
18 liable on conviction for the offense for the reasonable expense to
19 the agency of the accident response. [~~In this article, a person is
20 considered to have been convicted in a case if:~~

21 [~~(A) sentence is imposed,~~

22 [~~(B) the defendant receives probation or
23 deferred adjudication, or~~

24 [~~(C) the court defers final disposition of the
25 case.]~~

26 SECTION 6. Section 51.607, Government Code, is amended by
27 amending Subsection (c) and adding Subsection (d) to read as

1 follows:

2 (c) Except as provided by Subsection (d) and
3 notwithstanding [~~Notwithstanding~~] the effective date of the law
4 imposing or changing the amount of a court cost or fee included on
5 the list, the imposition or change in the amount of the court cost
6 or fee does not take effect until the next January 1 after the law
7 takes effect.

8 (d) Subsection (c) does not apply to a court cost or fee if
9 the law imposing or changing the amount of the cost or fee takes
10 effect on or after the January 1 following the regular session of
11 the legislature at which the law was enacted.

12 SECTION 7. Section 133.055(b), Local Government Code, is
13 amended to read as follows:

14 (b) If the treasurer does not collect any fees during a
15 calendar quarter, the treasurer shall file the report required for
16 the quarter in the regular manner. The report must state that no
17 fees were collected. This subsection does not apply to
18 reimbursement or other fees or fines collected under Article
19 42A.303, Code of Criminal Procedure, or under Section 76.013,
20 Government Code.

21 SECTION 8. Section 133.058(d), Local Government Code, is
22 amended to read as follows:

23 (d) A county may not retain a service fee on the collection
24 of a reimbursement or other fee or fine:

- 25 (1) for the judicial fund;
- 26 (2) under Article 42A.303 or 42A.653, Code of Criminal
27 Procedure;

1 (3) under Section 51.851, Government Code; or

2 (4) under Section 51.971, Government Code.

3 SECTION 9. Section 31.127(f), Parks and Wildlife Code, is
4 amended to read as follows:

5 (f) A court may dismiss a charge of operating a vessel with
6 an expired certificate of number under Section 31.021 if:

7 (1) the defendant remedies the defect not later than
8 the 10th working day after the date of the offense and pays a
9 reimbursement fee [~~fine~~] not to exceed \$10; and

10 (2) the certificate of number has not been expired for
11 more than 60 days.

12 SECTION 10. Section 502.407(b), Transportation Code, is
13 amended to read as follows:

14 (b) A justice of the peace or municipal court judge having
15 jurisdiction of the offense may:

16 (1) dismiss a charge of driving with an expired motor
17 vehicle registration if the defendant:

18 (A) remedies the defect not later than the 20th
19 working day after the date of the offense or before the defendant's
20 first court appearance date, whichever is later; and

21 (B) establishes that the fee prescribed by
22 Section 502.045 has been paid; and

23 (2) assess a reimbursement fee [~~fine~~] not to exceed
24 \$20 when the charge is dismissed.

25 SECTION 11. Section 502.473(d), Transportation Code, is
26 amended to read as follows:

27 (d) A court may dismiss a charge brought under Subsection

1 (a) if the defendant pays a reimbursement fee [~~fine~~] not to exceed
2 \$10 and:

3 (1) remedies the defect before the defendant's first
4 court appearance; or

5 (2) shows that the motor vehicle was issued a
6 registration insignia by the department that was attached to the
7 motor vehicle, establishing that the vehicle was registered for the
8 period during which the offense was committed.

9 SECTION 12. Section 502.475(c), Transportation Code, is
10 amended to read as follows:

11 (c) A court may dismiss a charge brought under Subsection
12 (a)(3) if the defendant:

13 (1) remedies the defect before the defendant's first
14 court appearance; and

15 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

16 SECTION 13. Section 504.943(d), Transportation Code, is
17 amended to read as follows:

18 (d) A court may dismiss a charge brought under Subsection
19 (a)(1) if the defendant:

20 (1) remedies the defect before the defendant's first
21 court appearance; and

22 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

23 SECTION 14. Section 504.945(d), Transportation Code, is
24 amended to read as follows:

25 (d) A court may dismiss a charge brought under Subsection
26 (a)(3), (5), (6), or (7) if the defendant:

27 (1) remedies the defect before the defendant's first

1 court appearance;

2 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10;
3 and

4 (3) shows that the vehicle was issued a plate by the
5 department that was attached to the vehicle, establishing that the
6 vehicle was registered for the period during which the offense was
7 committed.

8 SECTION 15. Section 521.026(b), Transportation Code, is
9 amended to read as follows:

10 (b) The judge may assess the defendant a reimbursement fee
11 [~~fine~~] not to exceed \$20 when the charge of driving with an expired
12 driver's license is dismissed under Subsection (a).

13 SECTION 16. Section 521.054(d), Transportation Code, is
14 amended to read as follows:

15 (d) A court may dismiss a charge for a violation of this
16 section if the defendant remedies the defect not later than the 20th
17 working day after the date of the offense and pays a reimbursement
18 fee [~~fine~~] not to exceed \$20. The court may waive the reimbursement
19 fee [~~fine~~] if the waiver is in the interest of justice.

20 SECTION 17. Section 521.221(d), Transportation Code, is
21 amended to read as follows:

22 (d) A court may dismiss a charge for a violation of this
23 section if:

24 (1) the restriction or endorsement was imposed:

25 (A) because of a physical condition that was
26 surgically or otherwise medically corrected before the date of the
27 offense; or

1 (B) in error and that fact is established by the
2 defendant;

3 (2) the department removes the restriction or
4 endorsement before the defendant's first court appearance; and

5 (3) the defendant pays a reimbursement fee [~~fine~~] not
6 to exceed \$10.

7 SECTION 18. Section 547.004(c), Transportation Code, is
8 amended to read as follows:

9 (c) A court may dismiss a charge brought under this section
10 if the defendant:

11 (1) remedies the defect before the defendant's first
12 court appearance; and

13 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

14 SECTION 19. Section 548.605(e), Transportation Code, is
15 amended to read as follows:

16 (e) A court shall:

17 (1) dismiss a charge under this section if the
18 defendant remedies the defect:

19 (A) not later than the 20th working day after the
20 date of the citation or before the defendant's first court
21 appearance date, whichever is later; and

22 (B) not later than the 40th working day after the
23 applicable deadline provided by this chapter, Chapter 382, Health
24 and Safety Code, or the department's administrative rules regarding
25 inspection requirements; and

26 (2) assess a reimbursement fee [~~fine~~] not to exceed
27 \$20 when the charge has been remedied under Subdivision (1).

1 SECTION 20. Section 681.013(b), Transportation Code, is
2 amended to read as follows:

3 (b) The court shall:

4 (1) dismiss a charge for an offense under Section
5 681.011(b)(1) if:

6 (A) the vehicle displayed a disabled parking
7 placard that was not valid as expired;

8 (B) the defendant remedies the defect by renewing
9 the expired disabled parking placard within 20 working days from
10 the date of the offense or before the defendant's first court
11 appearance date, whichever is later; and

12 (C) the disabled parking placard has not been
13 expired for more than 60 days; and

14 (2) assess a reimbursement fee [~~fine~~] not to exceed
15 \$20 when the charge has been remedied.

16 SECTION 21. The following provisions of the Code of
17 Criminal Procedure are repealed:

18 (1) Article 102.011(j); and

19 (2) Article 102.014(e).

20 SECTION 22. The changes in law made by this Act apply only
21 to a cost, fee, or fine on conviction for an offense committed on or
22 after the effective date of this Act. An offense committed before
23 the effective date of this Act is governed by the law in effect on
24 the date the offense was committed, and the former law is continued
25 in effect for that purpose. For purposes of this section, an
26 offense was committed before the effective date of this Act if any
27 element of the offense occurred before that date.

1 SECTION 23. This Act takes effect September 1, 2021.