

By: Lopez of Cameron, Cook

H.B. No. 2338

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the amount of the reimbursement fee paid by a defendant  
3 for a peace officer's services in executing or processing an arrest  
4 warrant, *capias*, or *capias pro fine*.

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

6 SECTION 1. Article 102.011(a), Code of Criminal Procedure,  
7 is amended to read as follows:

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

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

15 (2) \$75 if the defendant is convicted of a felony, a  
16 Class A misdemeanor, or a Class B misdemeanor, or \$50 if the  
17 defendant is convicted only of a Class C misdemeanor, for executing  
18 or processing an issued arrest warrant, *capias*, or *capias pro fine*,  
19 with the fee imposed for the services of:

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

1 (B) the law enforcement agency that processed the  
2 arrest warrant or capias, if:

3 (i) the arrest warrant or capias was not  
4 executed; or

5 (ii) the executing law enforcement agency  
6 failed to request the fee within the period required by Paragraph  
7 (A);

8 (3) \$5 for summoning a witness;

9 (4) \$35 for serving a writ not otherwise listed in this  
10 article;

11 (5) \$10 for taking and approving a bond and, if  
12 necessary, returning the bond to the courthouse;

13 (6) \$5 for commitment or release;

14 (7) \$5 for summoning a jury, if a jury is summoned; and

15 (8) \$8 for each day's attendance of a prisoner in a  
16 habeas corpus case if the prisoner has been remanded to custody or  
17 held to bail.

18 SECTION 2. The change in law made by this Act applies only  
19 to a fee imposed for the execution or processing of an arrest  
20 warrant, capias, or capias pro fine issued for an offense committed  
21 on or after the effective date of this Act. A fee imposed for the  
22 execution or processing of an arrest warrant, capias, or capias pro  
23 fine issued for an offense committed before the effective date of  
24 this Act is governed by the law in effect on the date the offense was  
25 committed, and the former law is continued in effect for that  
26 purpose. For purposes of this section, an offense was committed  
27 before the effective date of this Act if any element of the offense

1 occurred before that date.

2 SECTION 3. This Act takes effect September 1, 2023.