

By: Phillips

H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection of the costs of providing certain notice
3 related to registered sex offenders.

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

5 SECTION 1. Section 19(g), Article 42.12, Code of Criminal
6 Procedure, as amended by Section 1, S.B. No. 146, Acts of the 78th
7 Legislature, Regular Session, 2003, and Section 19(h), Article
8 42.12, Code of Criminal Procedure, as added by Section 1, S.B. No.
9 146, Acts of the 78th Legislature, Regular Session, 2003, are
10 amended to read as follows:

11 (g) If the judge places on community supervision a person
12 required to register as a sex offender under Chapter 62, the judge
13 shall require as a condition of community supervision that the
14 person pay to the person's supervising officer a fee that equals [~~an~~
15 ~~amount equal to~~] the actual cost to [~~, as evidenced by written~~
16 ~~receipt, incurred by~~] the applicable local law enforcement
17 authority for providing notice for publication to a newspaper as
18 required by Chapter 62. [~~A political subdivision served by the~~
19 ~~local law enforcement authority may bill any unpaid amount,~~
20 ~~identified separately, within a bill for a utility service provided~~
21 ~~by the political subdivision to the person and may suspend service~~
22 ~~of the utility to a person who is delinquent in payment of the~~
23 ~~amount until the delinquent claim is fully paid to the political~~
24 ~~subdivision.~~] A community supervision and corrections department

1 ~~[or political subdivision, as applicable,]~~ shall remit fees ~~[an~~
2 ~~amount]~~ collected under this subsection to the applicable local law
3 enforcement authority to reimburse the authority for the actual
4 cost incurred by the authority, as evidenced by written receipt,
5 for providing notice for publication to a newspaper as required by
6 Chapter 62. ~~[In this subsection, "utility service" means water,~~
7 ~~wastewater, sewer, gas, garbage, electricity, or drainage service.~~

8 ~~[(h)]~~ In a community supervision revocation hearing at
9 which it is alleged only that the person violated the terms of
10 community supervision by failing to make a payment under this
11 subsection ~~[Subsection (g)]~~, the inability of the person to pay as
12 ordered by the judge is an affirmative defense to revocation, which
13 the person must prove by a preponderance of the evidence.

14 SECTION 2. Section 2(b), Article 42.22, Code of Criminal
15 Procedure, as amended by Section 2, S.B. No. 146, Acts of the 78th
16 Legislature, Regular Session, 2003, is amended to read as follows:

17 (b) The state also has a restitution lien to secure the:

18 (1) amount of fines or costs entered against a
19 defendant in the judgment in a felony criminal case;

20 (2) amount of reimbursement for costs of ~~[+~~
21 ~~[(A)]~~ confinement ordered under Article 42.038;

22 ~~[or~~

23 ~~[(B)] notice provided under Article 62.03 or~~
24 ~~62.04,~~] and

25 (3) amount of damages incurred by the state as a result
26 of the commission of an offense under Section 38.04, Penal Code, in
27 which the defendant used a motor vehicle while the defendant was in

1 flight.

2 SECTION 3. Section 508.186(b), Government Code, as amended
3 by Section 9, S.B. No. 146, Acts of the 78th Legislature, Regular
4 Session, 2003, is amended to read as follows:

5 (b) The division [~~or political subdivision, as applicable,~~]
6 shall remit an amount collected under this section to the
7 applicable local law enforcement authority.

8 SECTION 4. Article 62.041, Code of Criminal Procedure, as
9 added by Section 3, S.B. No. 146, Acts of the 78th Legislature,
10 Regular Session, 2003, is repealed.

11 SECTION 5. Section 508.186(a-1), Government Code, as added
12 by Section 9, S.B. No. 146, Acts of the 78th Legislature, Regular
13 Session, 2003, is repealed.

14 SECTION 6. This Act takes effect September 1, 2003, if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for effect on that
18 date, this Act takes effect November 1, 2003.