

Amend CSHB 2424 by adding the following appropriately numbered sections to read as follows and renumbering subsequent sections accordingly:

SECTION _____. (a) Subtitle C, Title 4, Local Government Code, is amended by adding Chapter 133 to read as follows:

CHAPTER 133. CRIMINAL AND CIVIL FEES PAYABLE

TO THE COMPTROLLER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 133.001. PURPOSE. The purpose of this chapter is to consolidate and standardize:

(1) collection of fees in criminal and civil matters by:

(A) an officer of a court for deposit in a county or municipal treasury; or

(B) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate;

(2) remittance of those fees to the comptroller as required by this chapter and other law; and

(3) distribution of those fees by the comptroller to the proper accounts and funds in the state treasury.

Sec. 133.002. DEFINITIONS. In this chapter:

(1) "Fee" means:

(A) a criminal fee listed under Section 133.003; and

(B) a civil fee listed under Section 133.004.

(2) "Indigent" means an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

(3) "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

(2) the time payment fee imposed under Section 133.103;

(3) fees for services of peace officers employed by

the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;

(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;

(5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;

(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code; and

(7) fines on conviction imposed under Section 621.506(g), Transportation Code.

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee on filing in district court imposed under Section 133.151;

(2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;

(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;

(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;

(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;

(6) the filing fees for the judicial fund imposed in certain statutory probate courts under Section 51.704, Government Code;

(7) fees collected under Section 118.015;

(8) marriage license fees for the family trust fund collected under Section 118.018; and

(9) marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022.

SUBCHAPTER B. REPORTING, COLLECTION, AND

REMITTANCE OF FEES

Sec. 133.051. COLLECTION AND REMITTANCE OF FEES. A municipality or county shall collect, record, account for, and remit to the comptroller all fees in the manner provided by this subchapter.

Sec. 133.052. DEPOSIT OF FEES. (a) An officer collecting a fee in a case in municipal court shall deposit the money in the municipal treasury.

(b) An officer collecting a fee in a justice, county, or district court shall deposit the money in the county treasury.

(c) A municipal or county clerk collecting a fee shall deposit the money in the municipal or county treasury, as appropriate.

Sec. 133.053. INTEREST-BEARING ACCOUNT. (a) The treasurer may deposit fees in an interest-bearing account.

(b) The municipality or county may retain any interest accrued on the money the treasurer deposited in the treasury if the treasurer remits the funds to the comptroller within the period prescribed by Section 133.055(a).

Sec. 133.054. RECORDS. (a) An officer or clerk collecting a fee shall keep a record of the money collected.

(b) The treasurer shall keep a record of the money collected and on deposit in the treasury.

Sec. 133.055. QUARTERLY REMITTANCE OF FEES TO THE COMPTROLLER. (a) On or before the last day of the month following each calendar quarter, the treasurer shall:

(1) remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Section 133.058; and

(2) submit to the comptroller the report required under Section 133.056 for criminal fees and Section 133.057 for civil fees.

(b) If the treasurer does not collect any fees during a calendar quarter, the treasurer shall file the report required for the quarter in the regular manner. The report must state that no

fees were collected. This subsection does not apply to fees collected under Sections 14 and 19, Article 42.12, Code of Criminal Procedure, or under Section 76.013, Government Code.

Sec. 133.056. QUARTERLY REPORT FOR CRIMINAL FEES. (a) On the last day of the month following a calendar quarter, the treasurer shall report the criminal fees collected for the preceding calendar quarter.

(b) For fees collected for convictions of offenses committed on or after January 1, 2004, a municipality or county shall report the fees collected for a calendar quarter categorized according to the class of offense.

(c) For fees collected for convictions of offenses committed before January 1, 2004, a municipality or county shall report the total of fees collected for a calendar quarter.

Sec. 133.057. QUARTERLY REPORT FOR CIVIL FEES. On the last day of the month following a calendar quarter, the treasurer shall report the civil fees collected for the preceding calendar quarter.

Sec. 133.058. PORTION OF FEE RETAINED. (a) Except as otherwise provided by this section, a municipality or county may retain 10 percent of the money collected from fees as a service fee for the collection if the municipality or county remits the remainder of the fees to the comptroller within the period prescribed by Section 133.055(a).

(b) A municipality or county may retain an amount greater than 10 percent of the money collected from fees if retention of the greater amount is authorized by law.

(c) A county may retain five percent of the money collected as a service fee on the basic civil legal service for indigents filing fee.

(d) A county may not retain a service fee on the collection of a fee:

(1) for the judicial fund; or

(2) under Sections 14 and 19, Article 42.12, Code of Criminal Procedure.

Sec. 133.059. AUDIT. (a) The comptroller may audit the records of a county or municipality relating to fees collected under this chapter.

(b) Money spent from fees collected under this chapter is subject to audit by the state auditor.

[Sections 133.060-133.100 reserved for expansion]

SUBCHAPTER C. CRIMINAL FEES

Sec. 133.101. MEANING OF CONVICTION. In this subchapter, a person is considered to have been convicted in a case if:

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

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

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

Sec. 133.102. CONSOLIDATED FEES ON CONVICTION. (a) A person convicted of an offense shall pay as a court cost, in addition to all other costs:

(1) \$133 on conviction of a felony;

(2) \$83 on conviction of a Class A or Class B misdemeanor; or

(3) \$40 on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle.

(b) The court costs under Subsection (a) shall be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) The money collected under this section as court costs imposed on offenses committed on or after January 1, 2004, shall be allocated according to the percentages provided in Subsection (e).

(d) The money collected as court costs imposed on offenses committed before January 1, 2004, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately.

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as

applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- | | |
|--|---------------------|
| (1) abused children's counseling | 0.0088 percent; |
| (2) crime stoppers assistance | 0.2581 percent; |
| (3) breath alcohol testing | 0.5507 percent; |
| (4) Bill Blackwood Law Enforcement | |
| Management Institute | 2.1683 percent; |
| (5) law enforcement officers | |
| standards and education | 5.0034 percent; |
| (6) comprehensive rehabilitation | 5.3218 percent; |
| (7) operator's and chauffeur's license | 11.1426 percent; |
| (8) criminal justice planning | 12.5537 percent; |
| (9) an account in the state treasury | |
| <u>to be used only for the establishment and operation</u> | |
| <u>of the Center for the Study and Prevention of</u> | |
| <u>Juvenile Crime and Delinquency at Prairie View</u> | |
| A&M University | 1.2090 percent; |
| (10) compensation to victims of | |
| crime fund | 37.6338 percent; |
| (11) fugitive apprehension account | 12.0904 percent; |
| (12) judicial and court personnel | |
| training fund | 4.8362 percent; |
| (13) an account in the state | |
| <u>treasury to be used for the establishment</u> | |
| <u>and operation of the Correctional Management</u> | |
| <u>Institute of Texas and Criminal Justice</u> | |
| Center Account | 1.2090 percent; and |
| (14) fair defense account | 6.0143 percent. |

(f) Of each dollar credited to the law enforcement officers standards and education account under Subsection (e)(5):

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|---|
| (1) 33.3 cents may be used only to pay administrative |
| <u>expenses; and</u> |
| (2) the remainder may be used only to pay expenses |
| <u>related to continuing education for persons licensed under Chapter</u> |
| <u>1701, Occupations Code.</u> |

Sec. 133.103. TIME PAYMENT FEE. (a) A person convicted of an offense shall pay, in addition to all other costs, a fee of \$25 if the person:

(1) has been convicted of a felony or misdemeanor; and

(2) pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution.

(b) The treasurer shall send 50 percent of the fees collected under this section to the comptroller. The comptroller shall deposit the fees received to the credit of the general revenue fund.

(c) The treasurer shall deposit 10 percent of the fees collected under this section in the general fund of the county or municipality for the purpose of improving the efficiency of the administration of justice in the county or municipality. The county or municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs.

(d) The treasurer shall deposit the remainder of the fees collected under this section in the general revenue account of the county or municipality.

Sec. 133.104. FEES FOR SERVICES OF PEACE OFFICERS EMPLOYED BY THE STATE. (a) Fees imposed under Article 102.011, Code of Criminal Procedure, for services performed by peace officers employed by the state shall be forwarded to the comptroller after deducting four-fifths of the amount of each fee received for a service performed under Subsection (a)(1) or (a)(2) of that article, in a manner directed by the comptroller.

(b) The comptroller shall credit fees received under Subsection (a) to the general revenue fund.

[Sections 133.105-133.150 reserved for expansion]

SUBCHAPTER D. CIVIL FEES

Sec. 133.151. CONSOLIDATED CIVIL FEE ON FILING A CIVIL SUIT IN DISTRICT COURT. (a) In addition to each fee collected under Section 51.317(b)(1), Government Code, the clerk of a district court shall collect the following fees on the filing of any civil

suit:

(1) \$45 for family law cases and proceedings as defined by Section 25.0002, Government Code; and

(2) \$50 for any case other than a case described by Subdivision (1).

(b) The fees under Subsection (a) shall be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) The comptroller shall allocate the fees received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately:

(1) the judicial fund to be used for court-related purposes for the support of the judiciary; and

(2) the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent.

Sec. 133.152. ADDITIONAL FILING FEES FOR CERTAIN ACTIONS AND PROCEEDINGS IN DISTRICT COURT FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS. (a) In addition to other fees authorized or required by law, the clerk of a district court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) \$5 in family law cases and proceedings as defined by Section 25.0002, Government Code; and

(2) \$10 in any case other than a case described by Subdivision (1).

(b) The fees under this section shall be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) The comptroller shall deposit the fees to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent.

Sec. 133.153. ADDITIONAL FILING FEES FOR CERTAIN ACTIONS

AND PROCEEDINGS IN COURTS OTHER THAN DISTRICT COURT FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS. (a) In addition to other fees authorized or required by law, the clerk of a court other than a district court, the courts of appeals, or the supreme court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) \$5 for statutory and constitutional county courts; and

(2) \$2 for justice of the peace courts.

(b) The fees shall be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) The comptroller shall deposit the fees to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (e), Section 14, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(e) The clerk of a court that collects a fee imposed under Subsection (c)(2) shall deposit the fee to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code ~~[remit the fee to the comptroller]~~, and the comptroller shall deposit the fee into the general revenue fund. In requiring the payment of a fee under Subsection (c)(2), the judge shall consider fines, fees, and other necessary expenses for which the defendant is obligated in establishing the amount of the fee. The judge may not:

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

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

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (f), Section 19, Article

42.12, Code of Criminal Procedure, is amended to read as follows:

(f) A community corrections and supervision department shall deposit the ~~[remit]~~ fees collected under Subsection (e) of this section to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fee in the ~~[special revenue fund to the credit of the]~~ sexual assault program fund ~~[established]~~ under Section 420.008, Government ~~[44.0061, Health and Safety]~~ Code.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Article 45.048, Code of Criminal Procedure, is amended to read as follows:

Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1) is too poor to pay the fine and costs; or

(2) has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of not less than \$50 ~~[\$100]~~ for each period of time served, as specified by the convicting court in the judgment in the case.

(b) A convicting court may specify a period of time that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fines and costs in the case must remain in jail to satisfy \$50 ~~[\$100]~~ of the fine and costs.

(b) This section takes effect January 1, 2004.

(c) The change in law made by this section to Article 45.048, Code of Criminal Procedure, applies only to a defendant serving a sentence for an offense committed on or after the effective date of this section. A defendant serving a sentence for an offense committed before the effective date of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense is committed before the effective date of this section if any element of the offense occurs before that date.

SECTION _____. (a) Subsection (e), Article 45.049, Code of Criminal Procedure, is amended to read as follows:

(e) A defendant is considered to have discharged not less

than \$50 [~~\$100~~] of fines or costs for each eight hours of community service performed under this article.

(b) This section takes effect January 1, 2004.

(c) The change in law made by this section to Article 45.049, Code of Criminal Procedure, applies only to a defendant serving a sentence for an offense committed on or after the effective date of this section. A defendant serving a sentence for an offense committed before the effective date of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense is committed before the effective date of this section if any element of the offense occurs before that date.

SECTION _____. (a) Article 102.004, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) In this article, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Article 102.011, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

(j) In this article, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (e), Article 102.014, Code of Criminal Procedure, is amended to read as follows:

(e) In this article, a person is considered to have been convicted in a case if the person would be considered to have been convicted under Section 133.101, Local Government Code [+

~~(1) a sentence is imposed,~~

~~(2) the defendant receives probation or deferred adjudication, or~~

~~(3) the court defers final disposition of the case].~~

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (d), Section 51.702, Government Code, is amended to read as follows:

(d) The clerk shall deposit [~~send~~] the fees and costs collected under this section to be sent to the comptroller as

provided by Subchapter B, Chapter 133, Local Government Code ~~[at least as frequently as monthly]~~. The comptroller shall deposit the fees in the judicial fund.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (d), Section 51.703, Government Code, is amended to read as follows:

(d) The clerk shall deposit ~~[send]~~ the fees and costs collected under this section to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code ~~[at least as frequently as monthly]~~. The comptroller shall deposit the fees in the judicial fund.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (c), Section 51.704, Government Code, is amended to read as follows:

(c) The clerk shall deposit ~~[send]~~ the fees collected under this section to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code ~~[at least as frequently as monthly]~~. The comptroller shall deposit the fees in the judicial fund.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Section 51.941, Government Code, is amended to read as follows:

Sec. 51.941. ADDITIONAL FILING FEE IN APPELLATE COURTS FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS. (a) In addition to other fees authorized or required by law, the clerk of the supreme court and courts of appeals ~~[each court]~~ shall collect a \$25 fee ~~[the following fees]~~ on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee[+]

[(1) supreme court and courts of appeals	\$25,
[(2) district courts, for other than divorce and other family law matters	\$10,
[(3) district courts, divorce and other family law matters	\$5,
[(4) statutory and constitutional county courts	\$5,

~~[(5) justice of the peace courts \$2].~~

(b) Court fees under this section ~~[subchapter]~~ shall be collected in the same manner as other fees, fines, or costs in the case.

(c) The clerk shall send the fees collected under this section ~~[Subsection (a)(1)]~~ to the comptroller not later than the last day of the month following ~~[10th day after the end of]~~ each calendar quarter.

~~(d) [The clerk shall remit the fees collected under Subsections (a)(2)-(5) at least as frequently as monthly to the county treasurer or the person who performs the duties of the county treasurer. The county treasurer or the person performing the duties of the county treasurer shall keep a record of the amount of money received under this subsection. The county treasurer or the person who performs the duties of the county treasurer shall remit the fees collected, minus an amount ordered retained by the county commissioners court as provided by Subsection (c), to the comptroller not later than the 10th day after the end of each quarter.]~~

~~[(e) The commissioners court by order may require the county treasurer or the person who performs the duties of the county treasurer to deposit in the county's general revenue account five percent of the fees collected under Subsections (a)(2)-(5) to reimburse the county for the expense of collecting and remitting the fees collected under Subsections (a)(2)-(5).]~~

~~[(f)]~~ The comptroller shall deposit the fees received under this section to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent.

(e) ~~[(g)]~~ In this section, "indigent" ~~[+~~

~~[(1) "Family law matters" has the meaning assigned "family law cases and proceedings" by Section 25.0002.]~~

~~[(2) "Indigent"]~~ means an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (b), Section 118.015, Local

Government Code, is amended to read as follows:

(b) A county clerk who collects a fee under this section for a certified copy of a birth certificate shall deposit the fee into the county treasury. The state's portion of the fee shall be sent ~~[deduct 20 cents of that fee to apply to the clerk's administrative costs and remit \$1.80 of that fee]~~ to the comptroller as provided by Subchapter B, Chapter 133, for deposit in the work and family policies fund.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (c), Section 118.018, Local Government Code, is amended to read as follows:

(c) A county clerk who collects a fee under this section from a marriage license applicant shall deposit ~~[remit]~~ \$3 of that fee to be sent to the comptroller as provided by Subchapter B, Chapter 133, for deposit in the family trust fund established under Section 2.014, Family Code.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (a), Section 118.022, Local Government Code, is amended to read as follows:

(a) The county clerk shall deposit, as provided by Subchapter B, Chapter 133, ~~[not later than the 10th day of each month, send to the comptroller of public accounts]~~ \$12.50 of each fee collected ~~[during the preceding month]~~ for issuance of a marriage license or declaration of informal marriage to be sent to the comptroller and deposited as provided by Subsection (b).

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Section 542.403, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In this section, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Section 621.506, Transportation Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) Except as provided by Subsection (h), a ~~[A]~~ governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle

weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(h) If ~~[unless]~~ the offense described by Subsection (g) occurred within 20 miles of an international border, ~~[in which event]~~ the entire amount of the fine shall be deposited for the purposes of road maintenance in:

(1) the municipal treasury, if the fine was imposed by a municipal court; or

(2) the county treasury, if the fine was imposed by a justice court.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsection (a), Section 706.006, Transportation Code, is amended to read as follows:

(a) A person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter ~~[violation for which the person failed to appear]~~, unless the person is acquitted of the charges for which the person failed to appear. The person shall pay the fee when:

(1) the court enters judgment on the underlying offense reported to the department;

(2) the underlying offense is dismissed; or

(3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subsections (a), (b), and (c), Section 706.007, Transportation Code, are amended to read as follows:

(a) An officer collecting a fee under Section 706.006 shall keep records and deposit the money as provided by Subchapter B, Chapter 133, Local Government Code ~~[+]~~

~~[(1) keep separate records of the money, and
(2) deposit the money in the appropriate municipal or county treasury]~~.

(b) The custodian of the municipal or county treasury may ~~[+]~~

~~[(1)] deposit each fee collected under Section 706.006 as provided by Subchapter B, Chapter 133, Local Government Code [in an interest-bearing account, and~~

~~[(2) retain for the municipality or county the interest earned on money in the account].~~

(c) The custodian shall keep records of money received and disbursed under this section as provided by Subchapter B, Chapter 133, Local Government Code, and shall provide an annual report, in the form approved by the comptroller, of all money received and disbursed under this section to:

- (1) the comptroller;
- (2) the department; and
- (3) another entity as provided by interlocal contract.

(b) This section takes effect January 1, 2004.

SECTION _____. (a) Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.607 to read as follows:

Sec. 51.607. IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES. (a) Following each regular session of the legislature, the comptroller shall identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency. This subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) The comptroller shall prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and shall publish the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law imposing or changing the amount of the cost or fee was enacted. The comptroller shall include with the list a statement describing the operation of this section and stating the date the imposition or

change in the amount of the court cost or fee will take effect under Subsection (c).

(c) Notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d) This section does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee:

(1) expressly provides that this section does not apply to the imposition or change in the amount of the cost or fee; or

(2) takes effect before August 1 or after the next January 1 following the regular session of the legislature at which the law was enacted.

(b) Section 51.607, Government Code, as added by this section, does not apply to a law that takes effect before September 1, 2003.

(c) Section 51.607, Government Code, as added by this section, applies to a law enacted by the 78th Legislature, Regular Session, 2003, that takes effect on or after September 1, 2003, but only if this section takes effect before July 1, 2003.

(d) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2003.

SECTION _____. The heading to Chapter 319, Government Code, is amended to read as follows:

CHAPTER 319. LEGISLATION REGARDING JUDICIAL
SYSTEM [~~IMPACT NOTES~~]

SECTION _____. Sections 319.001 through 319.004, Government Code, are designated as Subchapter A of Chapter 319 and the following heading is added to that subchapter:

SUBCHAPTER A. JUDICIAL SYSTEM IMPACT NOTES

SECTION _____. Chapter 319, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. LEGISLATION RELATING TO COURT COSTS

Sec. 319.021. IMPACT STATEMENT ON LEGISLATION IMPOSING COURT COSTS ON CRIMINAL DEFENDANTS. (a) This section applies only to a new court cost or fee that is remitted to the comptroller.

(b) The Legislative Budget Board shall prepare an impact statement for each resolution proposing a constitutional amendment or bill that proposes imposing a new court cost or fee on a person charged with a criminal offense or increasing the amount of an existing court cost or fee imposed on a person charged with a criminal offense, including a court cost or fee imposed on conviction or other disposition or postponed disposition of the criminal charge.

(c) The impact statement must show the total amount of court costs and fees that persons will be required to pay under the bill or resolution when considered together with all other applicable laws.

(d) The state auditor shall provide the Legislative Budget Board with the initial data needed to develop a mechanism that will be used to produce the impact statements.

SECTION _____. (a) The following are repealed:

- (1) Article 56.55, Code of Criminal Procedure;
- (2) Article 56.56, Code of Criminal Procedure;
- (3) Article 56.57, Code of Criminal Procedure;
- (4) Article 56.59, Code of Criminal Procedure;
- (5) Subsections (f), (g), and (h), Article 102.011, Code of Criminal Procedure;
- (6) Article 102.019, Code of Criminal Procedure;
- (7) Article 102.075, Code of Criminal Procedure;
- (8) Section 51.701, Government Code;
- (9) Section 51.921, Government Code; and
- (10) Subsections (b) through (h), Section 56.001, Government Code.

(b) This section takes effect January 1, 2004.