

By: Pitts

H.B. No. 247

A BILL TO BE ENTITLED

AN ACT

1
2 relating to collection of a check processing fee on behalf of a
3 holder of a dishonored check.

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

5 SECTION 1. Article 102.007(e), Code of Criminal Procedure,
6 is amended to read as follows:

7 (e) In addition to the collection fee specified in
8 Subsection (c) of this article, the county attorney, district
9 attorney, or criminal district attorney shall [~~may~~] collect the fee
10 authorized by Section 3.506, Business & Commerce Code, for the
11 benefit of the holder of a check or its assignee, agent,
12 representative, or any other person retained by the holder to seek
13 collection of the check.

14 SECTION 2. Article 102.0071, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 102.0071. JUSTICE COURT DISHONORED CHECK. On
17 conviction in justice court of an offense under Section 32.41,
18 Penal Code, or an offense under Section 31.03 or 31.04, Penal Code,
19 in which it is shown that the defendant committed the offense by
20 issuing or passing a check that was subsequently dishonored, the
21 court shall [~~may~~] collect from the defendant and pay to the holder
22 of the check the fee permitted by Section 3.506, Business & Commerce
23 Code.

24 SECTION 3. (a) The change in law made by this Act applies

1 only to an offense committed on or after the effective date of this
2 Act. For the purposes of this section, an offense is committed
3 before the effective date of this Act if any element of the offense
4 occurs before that date.

5 (b) An offense committed before the effective date of this
6 Act is governed by the law in effect when the offense was committed,
7 and the former law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2003.