

By: Moreno of El Paso

H.B. No. 2572

A BILL TO BE ENTITLED

AN ACT

relating to additional costs on conviction for certain intoxication and drug offenses.

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

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0185 to read as follows:

Art. 102.0185. COST ON CONVICTION FOR CERTAIN INTOXICATION AND DRUG OFFENSES. (a) In addition to other costs on conviction imposed by this chapter, a person shall pay \$50 as a court cost on conviction of an offense under:

(1) Chapter 49, Penal Code, other than an offense punishable as a Class C misdemeanor; or

(2) Chapter 481, Health and Safety Code.

(b) The court shall assess and make a reasonable effort to collect the cost due under this article whether or not any other court cost is assessed or collected.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed;

(2) the defendant receives community supervision or deferred adjudication; or

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

(d) Court costs under this article are collected in the same

1 manner as other fines or costs. An officer collecting the costs
2 shall keep separate records of the funds collected as costs under
3 this article and shall deposit the funds in the county or municipal
4 treasury, as appropriate.

5 (e) The custodian of a county or municipal treasury shall:

6 (1) keep records of the amount of funds on deposit
7 collected under this article; and

8 (2) send to the comptroller before the last day of the
9 first month following each calendar quarter the funds collected
10 under this article during the preceding quarter.

11 (f) A county or municipality may retain 10 percent of the
12 funds collected under this article by an officer of the county or
13 municipality as a collection fee if the custodian of the county or
14 municipal treasury complies with Subsection (e).

15 (g) If no funds due as costs under this article are
16 deposited in a county or municipal treasury in a calendar quarter,
17 the custodian of the treasury shall file the report required for the
18 quarter in the regular manner and must state that no funds were
19 collected.

20 (h) The comptroller shall deposit the funds received under
21 this article to the credit of the drug court account in the general
22 revenue fund to help fund drug court programs established under
23 Chapter 469, Health and Safety Code. The comptroller shall
24 distribute money from the account on a pro rata basis to drug court
25 programs that apply for the money.

26 (i) Funds collected under this article are subject to audit
27 by the comptroller.

1 SECTION 2. (a) The changes in law made by this Act apply
2 only to the imposition of a court cost on conviction of an offense
3 committed on or after the effective date of this Act. An offense
4 committed before the effective date of this Act is covered by the
5 law in effect when the offense was committed, and the former law is
6 continued in effect for that purpose.

7 (b) For purposes of this section, an offense was committed
8 before the effective date of this Act if any element of the offense
9 occurred before that date.

10 SECTION 3. This Act takes effect September 1, 2003.