

By: Farabee

H.B. No. 2656

A BILL TO BE ENTITLED

AN ACT

relating to a costs on conviction for indigent defense.

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 a new section 102.021 to read as follows:

Art. 102.021. Costs on Conviction for Indigent Defense.

(a) A person shall pay \$50 as a court cost on conviction of:

(1) a felony; or

(2) a class A or class B misdemeanor.

(b) The court shall assess and make 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 manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury.

(e) The custodian of a county treasury shall:

1 (1) keep records of the amounts of funds on deposit
2 under this article; and

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

6 (f) A county may retain 10 percent of the funds collected
7 under this article by an officer of the county as a collection fee
8 if the custodian of the treasury complies with Subsection (e).

9 (g) If no funds due as costs under this article are
10 deposited in a county treasury in a calendar quarter, the custodian
11 of the treasury shall file the report required for the quarter in
12 the regular manner and must state that no funds were collected.

13 (h) The comptroller shall deposit the funds received under
14 this article to the credit of the fair defense account in the
15 general revenue fund.

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

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2003.