

By: Brimer

S.B. No. 302

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, Article 42.12, Code of Criminal
6 Procedure, is amended by amending Subsection (g) and adding
7 Subsection (h) to read as follows:

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

1 ~~by the authority, as evidenced by written receipt, for providing~~
2 ~~notice for publication to a newspaper as required by Chapter 62].~~

3 In this subsection, "utility service" means water, wastewater,
4 sewer, gas, garbage, electricity, or drainage service.

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

11 SECTION 2. Section 2(b), Article 42.22, Code of Criminal
12 Procedure, is amended to read as follows:

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

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

16 (2) amount of reimbursement for costs of:

17 (A) confinement ordered under Article 42.038; or

18 (B) notice provided under Article 62.03 or 62.04;

19 and

20 (3) amount of damages incurred by the state as a result
21 of the commission of an offense under Section 38.04, Penal Code, in
22 which the defendant used a motor vehicle while the defendant was in
23 flight.

24 SECTION 3. Chapter 62, Code of Criminal Procedure, is
25 amended by adding Article 62.041 to read as follows:

26 Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT
27 COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"

1 means water, wastewater, sewer, gas, garbage, electricity, or
2 drainage service.

3 (b) A political subdivision served by a local law
4 enforcement authority obtaining publication of notice under
5 Article 62.03 or 62.04 may bill any unpaid amount under that
6 article, identified separately, within a bill for a utility service
7 provided by the political subdivision to the person who is the
8 subject of the notice, and may suspend service of the utility to a
9 person who is delinquent in payment of the amount until the
10 delinquent claim is fully paid to the political subdivision.

11 (c) The political subdivision shall remit an amount
12 collected under this article to the local law enforcement
13 authority.

14 SECTION 4. Section 508.186, Government Code, is amended by
15 adding Subsection (a-1) and amending Subsection (b) to read as
16 follows:

17 (a-1) A political subdivision served by the local law
18 enforcement authority may bill any unpaid amount under Subsection
19 (a)(2), identified separately, within a bill for a utility service
20 provided by the political subdivision to the releasee and may
21 suspend service of the utility to a releasee who is delinquent in
22 payment of the amount until the delinquent claim is fully paid to
23 the political subdivision. In this subsection, "utility service"
24 means water, wastewater, sewer, gas, garbage, electricity, or
25 drainage service.

26 (b) The division or political subdivision, as applicable,
27 shall remit an amount collected under this section to the

1 applicable local law enforcement authority.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.