

By: Staples

S.B. No. 424

A BILL TO BE ENTITLED

AN ACT

relating to assessment of a fee for the collection of delinquent fines and court costs by a county attorney, district attorney, or criminal district attorney.

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

SECTION 1. The heading of Article 102.007, Code of Criminal Procedure, is amended to read as follows:

Art. 102.007. FEE FOR COLLECTING AND PROCESSING SIGHT ORDER OR COLLECTING DELINQUENT FINE OR COURT COST.

SECTION 2. Article 102.007, Code of Criminal Procedure, is amended by amending Subsections (a)-(c) and adding Subsection (g) to read as follows:

(a) A county attorney, district attorney, or criminal district attorney may collect a fee if the attorney's [his] office:

(1) collects and processes a check or similar sight order that [if the check or similar sight order]:

(A) [(1)] has been issued or passed in a manner that makes the issuance or passing an offense under [+

[(A)] Section 31.03, [Penal Code],

[(B) Section] 31.04, [Penal Code], or

[(C) Section] 32.41, Penal Code; or

(B) [(2)] has been forged, as defined by Section 32.21, Penal Code; or

(2) collects a delinquent fine or court cost in a case

1 assigned for prosecution to the attorney.

2 (b) The county attorney, district attorney, or criminal  
3 district attorney may collect the fee from any person who is a party  
4 to the offense described in Subsection (a) (1) or who is the  
5 defendant in a case described by Subsection (a)(2).

6 (c) The amount of the fee may not exceed:

7 (1) \$10 if the face amount of the check or sight order  
8 or the amount of the delinquent fine or court cost does not exceed  
9 \$10;

10 (2) \$15 if the face amount of the check or sight order  
11 or the amount of the delinquent fine or court cost is greater than  
12 \$10 but does not exceed \$100;

13 (3) \$30 if the face amount of the check or sight order  
14 or the amount of the delinquent fine or court cost is greater than  
15 \$100 but does not exceed \$300;

16 (4) \$50 if the face amount of the check or sight order  
17 or the amount of the delinquent fine or court cost is greater than  
18 \$300 but does not exceed \$500; and

19 (5) \$75 if the face amount of the check or sight order  
20 or the amount of the delinquent fine or court cost is greater than  
21 \$500.

22 (g) In this section, "delinquent fine or court cost" means a  
23 fine or court cost, including a court-ordered attorney's fee, that  
24 is not paid within the period prescribed by the judgment of a court  
25 for payment of the fine or court cost.

26 SECTION 3. This Act takes effect September 1, 2003, and  
27 applies only to a fine or court cost that becomes delinquent, as

1 defined by Article 102.007(g), Code of Criminal Procedure, as added  
2 by this Act, on or after September 1, 2003. A fine or court cost  
3 that is delinquent before September 1, 2003, is covered by the law  
4 in effect when the fine or court cost became delinquent, and the  
5 former law is continued in effect for that purpose.