

By: Staples S.B. No. 424
(In the Senate - Filed February 10, 2003; February 17, 2003,
read first time and referred to Committee on Jurisprudence;
April 22, 2003, reported favorably by the following vote: Yeas 6,
Nays 1; April 22, 2003, sent to printer.)

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), (b), and (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
assigned for prosecution to the attorney.

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

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

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

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

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

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

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

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

SECTION 3. This Act takes effect September 1, 2003, and
applies only to a fine or court cost that becomes delinquent, as
defined by Subsection (g), Article 102.007, Code of Criminal
Procedure, as added by this Act, on or after September 1, 2003. A
fine or court cost that is delinquent before September 1, 2003, is
covered by the law in effect when the fine or court cost became
delinquent, and the former law is continued in effect for that
purpose.

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