

By: West

S.B. No. 790

A BILL TO BE ENTITLED

AN ACT

relating to a periodic review of court costs and fees and service fees by the Sunset Advisory Commission.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 1A to read as follows:

Sec. 1A. SUNSET REVIEW. (a) The Sunset Advisory Commission shall review the fee for the substance abuse felony program imposed under Section 14 and the fees imposed under Section 19. In the review, the commission shall evaluate:

(1) the need for the fees;

(2) the appropriateness of the amount of the fees; and

(3) whether each fee is being used for the intended purpose.

(b) Before January 1, 2005, the Sunset Advisory Commission shall make recommendations to the legislature about whether the fees reviewed under Subsection (a) should be continued.

(c) Unless continued by the legislature, this section, Section 14, as amended by Chapter 1188, Acts of the 76th Legislature, Regular Session, 1999, and Section 19 expire September 1, 2005.

SECTION 2. Subchapter A, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.004 to read as follows:

Art. 45.004. SUNSET REVIEW. (a) The Sunset Advisory

1 Commission shall review the costs and fees authorized by Articles  
2 45.026, 45.051(b)(7), 45.0511(f), and 45.052(e) and (g). In the  
3 review, the commission shall evaluate:

4 (1) the need for the costs and fees;

5 (2) the appropriateness of the amount of the costs and  
6 fees; and

7 (3) whether each cost or fee is being used for the  
8 intended purpose.

9 (b) Before January 1, 2005, the Sunset Advisory Commission  
10 shall make recommendations to the legislature about whether the  
11 costs and fees reviewed under Subsection (a) should be continued.

12 (c) Unless continued by the legislature, this article and  
13 Articles 45.026, 45.051(b)(7), 45.0511(f), (g), and (h), and  
14 45.052(e) and (g) expire September 1, 2005.

15 SECTION 3. Subchapter A, Chapter 56, Code of Criminal  
16 Procedure, is amended by adding Article 56.011 to read as follows:

17 Art. 56.011. SUNSET REVIEW. (a) The Sunset Advisory  
18 Commission shall review the court costs imposed under Article  
19 56.55. In the review, the commission shall evaluate:

20 (1) the need for the court costs;

21 (2) the appropriateness of the amount of the court  
22 costs; and

23 (3) whether the court costs are being used for the  
24 intended purpose.

25 (b) Before January 1, 2005, the Sunset Advisory Commission  
26 shall make recommendations to the legislature about whether the  
27 court costs reviewed under Subsection (a) should be continued.

1        (c) Unless continued by the legislature, this article and  
2 Articles 56.55, 56.56, 56.57, and 56.59 expire September 1, 2005.

3        SECTION 4. Chapter 102, Code of Criminal Procedure, is  
4 amended by adding Subchapter D to read as follows:

5                SUBCHAPTER D. SUNSET REVIEW OF COSTS AND FEES

6        Art. 102.101. SUNSET REVIEW. (a) The Sunset Advisory  
7 Commission shall review the costs and fees imposed under Articles  
8 102.004, 102.005, 102.008, 102.011, 102.014, 102.017, 102.0171,  
9 102.018, 102.019, 102.020, 102.072, and 102.075. In the review,  
10 the commission shall evaluate:

11                (1) the need for the costs and fees;

12                (2) the appropriateness of the amount of the costs and  
13 fees; and

14                (3) whether each cost or fee is being used for the  
15 intended purpose.

16        (b) Before January 1, 2005, the Sunset Advisory Commission  
17 shall make recommendations to the legislature about whether the  
18 costs and fees reviewed under Subsection (a) should be continued.

19        (c) Unless continued by the legislature, this article and  
20 Articles 102.004, 102.005, 102.008, 102.011, 102.014, 102.016,  
21 102.017, 102.0171, 102.018, 102.019, 102.020, 102.072, and 102.075  
22 expire September 1, 2005.

23        SECTION 5. Chapter 54, Family Code, is amended by adding  
24 Section 54.0412 to read as follows:

25        Sec. 54.0412. SUNSET REVIEW. (a) The Sunset Advisory  
26 Commission shall review the costs and fees imposed under Section  
27 54.0411. In the review, the commission shall evaluate:

- 1           (1) the need for the costs and fees;  
2           (2) the appropriateness of the amount of the costs and  
3 fees; and  
4           (3) whether the costs and fees are being used for the  
5 intended purpose.

6           (b) Before January 1, 2005, the Sunset Advisory Commission  
7 shall make recommendations to the legislature about whether the  
8 costs and fees reviewed under Subsection (a) should be continued.

9           (c) Unless continued by the legislature, this section and  
10 Section 54.0411 expire September 1, 2005.

11           SECTION 6. Chapter 51, Government Code, is amended by  
12 adding Subchapter M to read as follows:

13           SUBCHAPTER M. SUNSET REVIEW OF COSTS AND FEES

14           Sec. 51.951. SUNSET REVIEW. (a) The Sunset Advisory  
15 Commission shall review the costs and fees imposed under Sections  
16 51.207, 51.701, 51.702, 51.703, 51.704, 51.921, and 51.941. In the  
17 review, the commission shall evaluate:

- 18           (1) the need for the costs and fees;  
19           (2) the appropriateness of the amount of the costs and  
20 fees; and  
21           (3) whether each cost or fee is being used for the  
22 intended purpose.

23           (b) Before January 1, 2005, the Sunset Advisory Commission  
24 shall make recommendations to the legislature about whether the  
25 costs and fees reviewed under Subsection (a) should be continued.

26           (c) Unless continued by the legislature, this section and  
27 Sections 51.207, 51.701, 51.702, 51.703, 51.704, 51.921, and 51.941

1 expire September 1, 2005.

2 SECTION 7. Chapter 56, Government Code, is amended by  
3 adding Section 56.0011 to read as follows:

4 Sec. 56.0011. SUNSET REVIEW. (a) The Sunset Advisory  
5 Commission shall review the cost imposed under Section 56.001. In  
6 the review, the commission shall evaluate:

- 7 (1) the need for the cost;  
8 (2) the appropriateness of the amount of the cost; and  
9 (3) whether the cost is being used for the intended  
10 purpose.

11 (b) Before January 1, 2005, the Sunset Advisory Commission  
12 shall make recommendations to the legislature about whether the  
13 cost reviewed under Subsection (a) should be continued.

14 (c) Unless continued by the legislature, this section and  
15 Section 56.001 expire September 1, 2005.

16 SECTION 8. Subchapter A, Chapter 508, Government Code, is  
17 amended by adding Section 508.0011 to read as follows:

18 Sec. 508.0011. SUNSET REVIEW. (a) The Sunset Advisory  
19 Commission shall review the fees imposed under Section 508.182. In  
20 the review, the commission shall evaluate:

- 21 (1) the need for the fees;  
22 (2) the appropriateness of the amount of the fees; and  
23 (3) whether the fees are being used for the intended  
24 purpose.

25 (b) Before January 1, 2005, the Sunset Advisory Commission  
26 shall make recommendations to the legislature about whether the  
27 fees reviewed under Subsection (a) should be continued.

1        (c) Unless continued by the legislature, this section and  
2 Section 508.182 expire September 1, 2005.

3        SECTION 9. Subchapter A, Chapter 118, Local Government  
4 Code, is amended by adding Section 118.003 to read as follows:

5        Sec. 118.003. SUNSET REVIEW. (a) The Sunset Advisory  
6 Commission shall review the fees imposed under Section 118.011 and  
7 described by Section 118.015, 118.018, or 118.022. In the review,  
8 the commission shall evaluate:

9            (1) the need for the fees;

10           (2) the appropriateness of the amount of the fees; and

11           (3) whether each fee is being used for the intended  
12 purpose.

13        (b) Before January 1, 2005, the Sunset Advisory Commission  
14 shall make recommendations to the legislature about whether the  
15 fees reviewed under Subsection (a) should be continued.

16        (c) Unless continued by the legislature, this section and  
17 Sections 118.015, 118.018, and 118.022 expire September 1, 2005,  
18 and a county clerk may not collect the fees imposed under Sections  
19 118.011(a)(5), (7), and (8) on or after that date.

20        SECTION 10. Subchapter A, Chapter 502, Transportation Code,  
21 is amended by adding Section 502.0011 to read as follows:

22        Sec. 502.0011. SUNSET REVIEW. (a) The Sunset Advisory  
23 Commission shall review the fee authorized by Section  
24 502.407(b)(2). In the review, the commission shall evaluate:

25           (1) the need for the fee;

26           (2) the appropriateness of the amount of the fee; and

27           (3) whether the fee is being used for the intended

1 purpose.

2 (b) Before January 1, 2005, the Sunset Advisory Commission  
3 shall make recommendations to the legislature about whether the fee  
4 reviewed under Subsection (a) should be continued.

5 (c) Unless continued by the legislature, a justice of the  
6 peace or municipal court judge may not collect the fee authorized by  
7 Section 502.407(b)(2) on or after September 1, 2005.

8 SECTION 11. Subchapter A, Chapter 521, Transportation Code,  
9 is amended by adding Section 521.0011 to read as follows:

10 Sec. 521.0011. SUNSET REVIEW. (a) The Sunset Advisory  
11 Commission shall review the fee authorized by Section 521.026(b).  
12 In the review, the commission shall evaluate:

- 13 (1) the need for the fee;  
14 (2) the appropriateness of the amount of the fee; and  
15 (3) whether the fee is being used for the intended  
16 purpose.

17 (b) Before January 1, 2005, the Sunset Advisory Commission  
18 shall make recommendations to the legislature about whether the fee  
19 reviewed under Subsection (a) should be continued.

20 (c) Unless continued by the legislature, this section and  
21 Section 521.026(b) expire September 1, 2005.

22 SECTION 12. Subchapter D, Chapter 542, Transportation Code,  
23 is amended by adding Section 542.405 to read as follows:

24 Sec. 542.405. SUNSET REVIEW. (a) The Sunset Advisory  
25 Commission shall review the cost imposed under Section 542.403. In  
26 the review, the commission shall evaluate:

- 27 (1) the need for the cost;

1           (2) the appropriateness of the amount of the cost; and  
2           (3) whether the cost is being used for the intended  
3 purpose.

4           (b) Before January 1, 2005, the Sunset Advisory Commission  
5 shall make recommendations to the legislature about whether the  
6 cost reviewed under Subsection (a) should be continued.

7           (c) Unless continued by the legislature, this section and  
8 Section 542.403 expire September 1, 2005.

9           SECTION 13. Subchapter A, Chapter 548, Transportation Code,  
10 is amended by adding Section 548.0011 to read as follows:

11           Sec. 548.0011. SUNSET REVIEW. (a) The Sunset Advisory  
12 Commission shall review the fee imposed under Section  
13 548.605(b)(2). In the review, the commission shall evaluate:

14           (1) the need for the fee;  
15           (2) the appropriateness of the amount of the fee; and  
16           (3) whether the fee is being used for the intended  
17 purpose.

18           (b) Before January 1, 2005, the Sunset Advisory Commission  
19 shall make recommendations to the legislature about whether the fee  
20 reviewed under Subsection (a) should be continued.

21           (c) Unless continued by the legislature, a court may not  
22 assess a fee under Section 548.605(b)(2) on or after September 1,  
23 2005.

24           SECTION 14. Chapter 706, Transportation Code, is amended by  
25 adding Section 706.0011 to read as follows:

26           Sec. 706.0011. SUNSET REVIEW. (a) The Sunset Advisory  
27 Commission shall review the fees imposed under Section 706.006. In



1 the review, the commission shall evaluate:

2 (1) the need for the fees;

3 (2) the appropriateness of the amount of the fees; and

4 (3) whether the fees are being used for the intended  
5 purpose.

6 (b) Before January 1, 2005, the Sunset Advisory Commission  
7 shall make recommendations to the legislature about whether the  
8 fees reviewed under Subsection (a) should be continued.

9 (c) Unless continued by the legislature, this section and  
10 Sections 706.005, 706.006, and 706.007 expire September 1, 2005.

11 SECTION 15. The changes in law made by this Act to abolish a  
12 court cost, court fee, or service fee apply only to a court cost,  
13 court fee, or service fee that becomes payable on or after September  
14 1, 2005. A court cost, court fee, or service fee payable before  
15 that date is governed by the law in effect on the date the court  
16 cost, court fee, or service fee was payable, and the former law is  
17 continued in effect for that purpose.

18 SECTION 16. This Act takes effect September 1, 2003.