

By: Driver

H.B. No. 1082

A BILL TO BE ENTITLED

AN ACT

relating to a fee to cover the costs of expunging a minor's alcohol-
or tobacco-related conviction records.

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

SECTION 1. Section 106.12, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) The court shall require an individual who files an application under this section to pay a fee in an amount sufficient to cover the costs of the expungement.

SECTION 2. Section 161.255, Health and Safety Code, is amended to read as follows:

Sec. 161.255. EXPUNGEMENT OF CONVICTION. (a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the tobacco awareness program or tobacco-related community service ordered by the court, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

(b) The court shall require an individual who files an application under this section to pay a fee in an amount sufficient to cover the costs of the expungement.

SECTION 3. Section 103.021, Government Code, is amended to

1 read as follows:

2 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
3 CIVIL CASES. An accused or defendant, or a party to a civil suit, as
4 applicable, shall pay the following fees and costs if ordered by the
5 court or otherwise required:

6 (1) a personal bond fee (Art. 17.42, Code of Criminal
7 Procedure) . . . the greater of \$20 or three percent of the amount
8 of the bail fixed for the accused;

9 (2) cost of electronic monitoring as a condition of
10 release on personal bond (Art. 17.43, Code of Criminal
11 Procedure) . . . actual cost;

12 (3) a fee for verification of and monitoring of motor
13 vehicle ignition interlock (Art. 17.441, Code of Criminal
14 Procedure) . . . not to exceed \$10;

15 (4) repayment of reward paid by a crime stoppers
16 organization on conviction of a felony (Art. 37.073, Code of
17 Criminal Procedure) . . . amount ordered;

18 (5) reimbursement to general revenue fund for payments
19 made to victim of an offense as condition of community supervision
20 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50
21 for a misdemeanor offense or \$100 for a felony offense;

22 (6) payment to a crime stoppers organization as
23 condition of community supervision (Art. 42.12, Code of Criminal
24 Procedure) . . . not to exceed \$50;

25 (7) children's advocacy center fee (Art. 42.12, Code
26 of Criminal Procedure) . . . not to exceed \$50;

27 (8) family violence shelter center fee (Art. 42.12,

1 Code of Criminal Procedure) . . . not to exceed \$100;

2 (9) community supervision fee (Art. 42.12, Code of
3 Criminal Procedure) . . . not less than \$25 or more than \$60 per
4 month;

5 (10) additional community supervision fee for certain
6 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
7 month;

8 (11) for certain financially able sex offenders as a
9 condition of community supervision, the costs of treatment,
10 specialized supervision, or rehabilitation (Art. 42.12, Code of
11 Criminal Procedure) . . . all or part of the reasonable and
12 necessary costs of the treatment, supervision, or rehabilitation as
13 determined by the judge;

14 (12) fee for failure to appear for trial in a justice
15 or municipal court if a jury trial is not waived (Art. 45.026, Code
16 of Criminal Procedure) . . . costs incurred for impaneling the
17 jury;

18 (13) costs of certain testing, assessments, or
19 programs during a deferral period (Art. 45.051, Code of Criminal
20 Procedure) . . . amount ordered;

21 (14) special expense on dismissal of certain
22 misdemeanor complaints (Art. 45.051, Code of Criminal
23 Procedure) . . . not to exceed amount of fine assessed;

24 (15) an additional fee:

25 (A) as an administrative fee for requesting a
26 driving safety course or a course under the motorcycle operator
27 training and safety program for certain traffic offenses to cover

1 the cost of administering the article (Art. 45.0511(f)(1), Code of
2 Criminal Procedure) . . . not to exceed \$10; or

3 (B) for requesting a driving safety course or a
4 course under the motorcycle operator training and safety program
5 before the final disposition of the case (Art. 45.0511(f)(2), Code
6 of Criminal Procedure) . . . not to exceed the maximum amount of
7 the fine for the offense committed by the defendant;

8 (16) a request fee for teen court program (Art.
9 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

10 (17) a fee to cover costs of required duties of teen
11 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;

12 (18) a mileage fee for officer performing certain
13 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15
14 per mile;

15 (19) certified mailing of notice of hearing date (Art.
16 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

17 (20) certified mailing of certified copies of an order
18 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
19 plus postage;

20 (21) sight orders:

21 (A) if the face amount of the check or sight order
22 does not exceed \$10 (Art. 102.007, Code of Criminal
23 Procedure) . . . not to exceed \$10;

24 (B) if the face amount of the check or sight order
25 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
26 Criminal Procedure) . . . not to exceed \$15;

27 (C) if the face amount of the check or sight order

1 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
2 Criminal Procedure) . . . not to exceed \$30;

3 (D) if the face amount of the check or sight order
4 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
5 Criminal Procedure) . . . not to exceed \$50; and

6 (E) if the face amount of the check or sight order
7 is greater than \$500 (Art. 102.007, Code of Criminal
8 Procedure) . . . not to exceed \$75;

9 (22) a fee for pretrial intervention program (Art.
10 102.012, Code of Criminal Procedure) . . . not to exceed \$500;

11 (23) parking fee violations for child safety fund in
12 municipalities with populations:

13 (A) greater than 850,000 (Art. 102.014, Code of
14 Criminal Procedure) . . . not less than \$2 and not to exceed \$5;
15 and

16 (B) less than 850,000 (Art. 102.014, Code of
17 Criminal Procedure) . . . not to exceed \$5;

18 (24) an administrative fee for collection of fines,
19 fees, restitution, or other costs (Art. 102.072, Code of Criminal
20 Procedure) . . . not to exceed \$2 for each transaction;

21 (25) a court reporter fee when testimony is taken:

22 (A) in a criminal court in Dallas County (Sec.
23 25.0593, Government Code) . . . \$3;

24 (B) in a county criminal court of appeals in
25 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

26 (C) in a county court at law in McLennan County
27 (Sec. 25.1572, Government Code) . . . \$3; and

1 (D) in a county criminal court in Tarrant County
2 (Sec. 25.2223, Government Code) . . . \$3;

3 (26) a speedy trial filing fee in El Paso County (Sec.
4 54.745, Government Code) . . . \$100;

5 (27) costs for use of magistrate in Brazos County
6 (Sec. 54.1056, Government Code) . . . not to exceed \$50;

7 (28) an administrative fee for participation in
8 certain community supervision programs (Sec. 76.015, Government
9 Code) . . . not less than \$25 and not more than \$40 per month;

10 (29) in family matters:

11 (A) issuing writ of withholding (Sec. 8.262,
12 Family Code) . . . \$15;

13 (B) filing copy of writ of withholding to
14 subsequent employer (Sec. 8.267, Family Code) . . . \$15;

15 (C) issuing and delivering modified writ of
16 withholding or notice of termination (Sec. 8.302, Family
17 Code) . . . \$15;

18 (D) issuing and delivering notice of termination
19 of withholding (Sec. 8.303, Family Code) . . . \$15;

20 (E) issuance of change of name certificate (Sec.
21 45.106, Family Code) . . . \$10;

22 (F) protective order fee (Sec. 81.003, Family
23 Code) . . . \$16;

24 (G) filing suit requesting adoption of child
25 (Sec. 108.006, Family Code) . . . \$15;

26 (H) filing fees for suits affecting parent-child
27 relationship (Sec. 110.002, Family Code):

- 1 (i) suit or motion for modification (Sec.
2 110.002, Family Code) . . . \$15;
- 3 (ii) motion for enforcement (Sec. 110.002,
4 Family Code) . . . \$15;
- 5 (iii) notice of application for judicial
6 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
- 7 (iv) motion to transfer (Sec. 110.002,
8 Family Code) . . . \$15;
- 9 (v) petition for license suspension (Sec.
10 110.002, Family Code) . . . \$15;
- 11 (vi) motion to revoke a stay of license
12 suspension (Sec. 110.002, Family Code) . . . \$15; and
- 13 (vii) motion for contempt (Sec. 110.002,
14 Family Code) . . . \$15;
- 15 (I) order or writ of income withholding to be
16 delivered to employer (Sec. 110.004, Family Code) . . . not to
17 exceed \$15;
- 18 (J) filing fee for transferred case (Sec.
19 110.005, Family Code) . . . \$45;
- 20 (K) filing a writ of withholding (Sec. 158.319,
21 Family Code) . . . \$15;
- 22 (L) filing a request for modified writ of
23 withholding or notice of termination (Sec. 158.403, Family
24 Code) . . . not to exceed \$15;
- 25 (M) filing an administrative writ to employer
26 (Sec. 158.503, Family Code) . . . not to exceed \$15; and
- 27 (N) genetic testing fees in relation to a child

1 born to a gestational mother (Sec. 160.762, Family Code) . . . as
2 assessed by the court;

3 (30) in juvenile court:

4 (A) fee schedule for deferred prosecution
5 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a
6 month;

7 (B) a teen court administration fee (Sec. 54.032,
8 Family Code) . . . not to exceed \$10;

9 (C) court costs for juvenile probation diversion
10 fund (Sec. 54.0411, Family Code) . . . \$20;

11 (D) a juvenile delinquency prevention fee (Sec.
12 54.0461, Family Code) . . . \$5; and

13 (E) a court fee for child's probationary period
14 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;

15 (31) a court reporter service fee if the courts have
16 official court reporters (Sec. 51.601, Government Code) . . . \$15;

17 (32) administrative fee on dismissal of charge of
18 driving with an expired motor vehicle registration (Sec. 502.407,
19 Transportation Code) . . . not to exceed \$10;

20 (33) administrative fee on dismissal of charge of
21 driving with an expired driver's license (Sec. 521.026,
22 Transportation Code) . . . not to exceed \$10;

23 (34) administrative fee on remediation of charge of
24 driving with an expired inspection certificate (Sec. 548.605,
25 Transportation Code) . . . not to exceed \$10;

26 (35) administrative fee for failure to appear for a
27 complaint or citation on certain offenses (Sec. 706.006,

1 Transportation Code) . . . \$30 for each violation;

2 (36) administrative fee for failure to pay or satisfy
3 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;

4 (37) fee paid on filing a petition for an order of
5 nondisclosure of criminal history record information in certain
6 cases (Sec. 411.081, Government Code) . . . \$28; ~~and~~

7 (38) on a finding that an animal's owner has cruelly
8 treated the animal, court costs including:

9 (A) investigation (Sec. 821.023, Health and
10 Safety Code) . . . actual costs;

11 (B) expert witnesses (Sec. 821.023, Health and
12 Safety Code) . . . actual costs;

13 (C) housing and caring for the animal during its
14 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
15 costs;

16 (D) conducting any public sale ordered by the
17 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
18 and

19 (E) humanely destroying the animal if
20 destruction is ordered by the court (Sec. 821.023, Health and
21 Safety Code) . . . actual costs; and

22 (39) a fee paid on applying to expunge the conviction
23 of a minor, including:

24 (A) expungement of a conviction under the
25 Alcoholic Beverage Code (Sec. 106.12, Alcoholic Beverage
26 Code) . . . actual costs of expungement; and

27 (B) expungement of a conviction involving

1 tobacco products (Sec. 161.255, Health and Safety
2 Code) . . . actual costs of expungement.

3 SECTION 4. This Act applies only to an application for
4 expungement filed with a court on or after September 1, 2005. An
5 application for expungement filed before September 1, 2005, is
6 governed by the law in effect when the application is filed, and the
7 former law is continued in effect for that purpose.

8 SECTION 5. This Act takes effect September 1, 2005.