

By: Flynn

H.B. No. 1290

A BILL TO BE ENTITLED

AN ACT

1
2 relating to imposing a cost on conviction to reimburse counties for
3 medical expenses incurred by jail inmates.

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

5 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
6 Procedure, is amended by adding Article 102.022 to read as follows:

7 Art. 102.022. COSTS ON CONVICTION TO REIMBURSE INMATE
8 MEDICAL EXPENSES. (a) A defendant convicted of an offense in a
9 justice court, county court, county court at law, district court,
10 or municipal court shall pay a \$3 fee as a cost of court.

11 (b) In this article, a person is considered convicted if:

12 (1) a sentence is imposed on the person;

13 (2) the person receives community supervision,
14 including deferred adjudication; or

15 (3) the court defers final disposition of the person's
16 case.

17 (c) The clerks of the respective courts shall collect the
18 costs and pay them to the county treasurer or to any other official
19 who discharges the duties commonly delegated to the county
20 treasurer for deposit in a fund to be known as the inmate medical
21 expense fund. A fund designated by this subsection may be used only
22 to reimburse the county or a hospital district for medical, dental,
23 or other health-care-related services provided to inmates of the
24 county jail.

1 (d) The inmate medical expense fund shall be administered by
2 or under the direction of the commissioners court.

3 (e) During the first month of the county's fiscal year, the
4 commissioners court shall determine if the amount of fees collected
5 under this article in the preceding year exceeded the actual
6 expenses incurred for inmate medical care. Any excess fees
7 collected during the previous year shall be allocated to the
8 county's general revenue fund.

9 SECTION 2. Section 102.041, Government Code, is amended to
10 read as follows:

11 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
12 DISTRICT COURT. The clerk of a district court shall collect fees
13 and costs on conviction of a defendant as follows:

14 (1) a jury fee (Art. 102.004, Code of Criminal
15 Procedure) . . . \$20;

16 (2) a fee for clerk of the court services (Art.
17 102.005, Code of Criminal Procedure) . . . \$40;

18 (3) a records management and preservation services fee
19 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

20 (4) a security fee on a felony offense (Art. 102.017,
21 Code of Criminal Procedure) . . . \$5;

22 (5) a security fee on a misdemeanor offense (Art.
23 102.017, Code of Criminal Procedure) . . . \$3;

24 (6) a graffiti eradication fee (Art. 102.0171, Code of
25 Criminal Procedure) . . . \$5;

26 (6A) a medical expenses reimbursement fee (Art.
27 102.022, Code of Criminal Procedure) . . . \$3; and

1 (7) a court cost on conviction in Comal County (Sec.
2 152.0522, Human Resources Code) . . . \$4.

3 SECTION 3. Section 102.061, Government Code, is amended to
4 read as follows:

5 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
6 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
7 collect fees and costs on conviction of a defendant as follows:

8 (1) a jury fee (Art. 102.004, Code of Criminal
9 Procedure) . . . \$20;

10 (2) a fee for services of the clerk of the court (Art.
11 102.005, Code of Criminal Procedure) . . . \$40;

12 (3) a records management and preservation services fee
13 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

14 (4) a security fee on a misdemeanor offense (Art.
15 102.017, Code of Criminal Procedure) . . . \$3;

16 (5) a graffiti eradication fee (Art. 102.0171, Code of
17 Criminal Procedure) . . . \$5;

18 (5A) a medical expenses reimbursement fee (Art.
19 102.022, Code of Criminal Procedure) . . . \$3; and

20 (6) a court cost on conviction in Comal County (Sec.
21 152.0522, Human Resources Code) . . . \$4.

22 SECTION 4. Section 102.081, Government Code, is amended to
23 read as follows:

24 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
25 COUNTY COURT. The clerk of a county court shall collect fees and
26 costs on conviction of a defendant as follows:

27 (1) a jury fee (Art. 102.004, Code of Criminal

1 Procedure) . . . \$20;

2 (2) a fee for clerk of the court services (Art.
3 102.005, Code of Criminal Procedure) . . . \$40;

4 (3) a records management and preservation services fee
5 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

6 (4) a security fee on a misdemeanor offense (Art.
7 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~

8 (5) a graffiti eradication fee (Art. 102.0171, Code of
9 Criminal Procedure) . . . \$5; and

10 (6) a medical expenses reimbursement fee (Art.
11 102.022, Code of Criminal Procedure) . . . \$3.

12 SECTION 5. Section 102.101, Government Code, is amended to
13 read as follows:

14 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
15 JUSTICE COURT. A clerk of a justice court shall collect fees and
16 costs on conviction of a defendant as follows:

17 (1) a jury fee (Art. 102.004, Code of Criminal
18 Procedure) . . . \$3;

19 (2) a fee for withdrawing request for jury less than 24
20 hours before time of trial (Art. 102.004, Code of Criminal
21 Procedure) . . . \$3;

22 (3) a jury fee for two or more defendants tried jointly
23 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
24 \$3;

25 (4) a security fee on a misdemeanor offense (Art.
26 102.017, Code of Criminal Procedure) . . . \$3;

27 (5) a fee for technology fund on a misdemeanor offense

1 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;

2 (5A) a medical expenses reimbursement fee (Art.
3 102.022, Code of Criminal Procedure) . . . \$3; and

4 (6) a court cost on conviction in Comal County (Sec.
5 152.0522, Human Resources Code) . . . \$1.50.

6 SECTION 6. Section 102.121, Government Code, is amended to
7 read as follows:

8 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN
9 MUNICIPAL COURT. The clerk of a municipal court shall collect fees
10 and costs on conviction of a defendant as follows:

11 (1) a jury fee (Art. 102.004, Code of Criminal
12 Procedure) . . . \$3;

13 (2) a fee for withdrawing request for jury less than 24
14 hours before time of trial (Art. 102.004, Code of Criminal
15 Procedure) . . . \$3;

16 (3) a jury fee for two or more defendants tried jointly
17 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
18 \$3;

19 (4) a security fee on a misdemeanor offense (Art.
20 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~

21 (5) a fee for technology fund on a misdemeanor offense
22 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;
23 and

24 (6) a medical expenses reimbursement fee (Art.
25 102.022, Code of Criminal Procedure) . . . \$3.

26 SECTION 7. The imposition of a cost of court under Article
27 102.022, Code of Criminal Procedure, as added by this Act, applies

1 only to an offense committed on or after the effective date of this
2 Act. An offense committed before the effective date of this Act is
3 covered by the law in effect when the offense was committed, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense was committed before the effective date of
6 this Act if any element of the offense was committed before that
7 date.

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