

By: Merritt

H.B. No. 2111

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain fees in the administration of the teen court
3 program.

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

5 SECTION 1. Articles 45.052(e) and (g), Code of Criminal
6 Procedure, are amended to read as follows:

7 (e) The justice or municipal court may require a person who
8 requests a teen court program to pay a fee not to exceed \$20 [~~\$10~~]
9 that is set by the court to cover the costs of administering this
10 article. Fees collected by a municipal court shall be deposited in
11 the municipal treasury. Fees collected by a justice court shall be
12 deposited in the county treasury of the county in which the court is
13 located. A person who requests a teen court program and fails to
14 complete the program is not entitled to a refund of the fee.

15 (g) In addition to the fee authorized by Subsection (e) of
16 this article, the court may require a child who requests a teen
17 court program to pay a \$20 [~~\$10~~] fee to cover the cost to the teen
18 court for performing its duties under this article. The court shall
19 pay the fee to the teen court program, and the teen court program
20 must account to the court for the receipt and disbursement of the fee.
21 A child who pays a fee under this subsection is not entitled to a
22 refund of the fee, regardless of whether the child successfully
23 completes the teen court program.

24 SECTION 2. Sections 54.032(e) and (g), Family Code, are

1 amended to read as follows:

2 (e) The court may require a child who requests a teen court
3 program to pay a fee not to exceed \$20 [~~10~~] that is set by the court
4 to cover the costs of administering this section. The court shall
5 deposit the fee in the county treasury of the county in which the
6 court is located. A child who requests a teen court program and
7 does not complete the program is not entitled to a refund of the
8 fee.

9 (g) In addition to the fee authorized by Subsection (e), the
10 court may require a child who requests a teen court program to pay a
11 \$20 [~~10~~] fee to cover the cost to the teen court for performing its
12 duties under this section. The court shall pay the fee to the teen
13 court program, and the teen court program must account to the court
14 for the receipt and disbursement of the fee. A child who pays a fee
15 under this subsection is not entitled to a refund of the fee,
16 regardless of whether the child successfully completes the teen
17 court program.

18 SECTION 3. Section 103.021, Government Code, as amended by
19 the Final Report Regarding Actions to Conform the Statutory Index
20 of Court Fees and Costs to the Acts of the 78th Legislature,
21 September, 2004, is amended to read as follows:

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

26 (1) a personal bond fee (Art. 17.42, Code of Criminal
27 Procedure) . . . the greater of \$20 or three percent of the amount

1 of the bail fixed for the accused;

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

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

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

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

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

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

20 (8) family violence shelter center fee (Art. 42.12,
21 Code of Criminal Procedure) . . . not to exceed \$100;

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

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

1 (11) for certain financially able sex offenders as a
2 condition of community supervision, the costs of treatment,
3 specialized supervision, or rehabilitation (Art. 42.12, Code of
4 Criminal Procedure) . . . all or part of the reasonable and
5 necessary costs of the treatment, supervision, or rehabilitation as
6 determined by the judge;

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

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

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

17 (15) an additional fee:

18 (A) as an administrative fee for requesting a
19 driving safety course or a course under the motorcycle operator
20 training and safety program for certain traffic offenses to cover
21 the cost of administering the article (Art. 45.0511(f)(1), Code of
22 Criminal Procedure) . . . not to exceed \$10; or

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

1 (16) a request fee for teen court program (Art.
2 45.052, Code of Criminal Procedure) . . . not to exceed \$20 [~~\$10~~];

3 (17) a fee to cover costs of required duties of teen
4 court (Art. 45.052, Code of Criminal Procedure) . . . \$20 [~~\$10~~];

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

8 (19) certified mailing of notice of hearing date (Art.
9 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

10 (20) certified mailing of certified copies of an order
11 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
12 plus postage;

13 (21) sight orders:

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

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

20 (C) if the face amount of the check or sight order
21 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
22 Criminal Procedure) . . . not to exceed \$30;

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

26 (E) if the face amount of the check or sight order
27 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)

1 . . . not to exceed \$75;

2 (22) a fee for pretrial intervention program (Art.
3 102.012, Code of Criminal Procedure) . . . not to exceed \$500;

4 (23) parking fee violations for child safety fund in
5 municipalities with populations:

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

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

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

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

14 (A) in a criminal court in Dallas County (Sec.
15 25.0593, Government Code) . . . \$3;

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

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

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

22 (26) a speedy trial filing fee in El Paso County (Sec.
23 54.745, Government Code) . . . \$100;

24 (27) costs for use of magistrate in Brazos County
25 (Sec. 54.1116, Government Code) . . . not to exceed \$50;

26 (28) an administrative fee for participation in
27 certain community supervision programs (Sec. 76.015, Government

1 Code) . . . not less than \$25 and not more than \$40 per month;

2 (29) in family matters:

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

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

7 (C) issuing and delivering modified writ of
8 withholding or notice of termination (Sec. 8.302, Family Code)
9 . . . \$15;

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

12 (E) issuance of change of name certificate (Sec.
13 45.106, Family Code) . . . \$10;

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

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

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

20 (i) suit or motion for modification (Sec.
21 110.002, Family Code) . . . \$15;

22 (ii) motion for enforcement (Sec. 110.002,
23 Family Code) . . . \$15;

24 (iii) notice of application for judicial
25 writ of withholding (Sec. 110.002, Family Code) . . . \$15;

26 (iv) motion to transfer (Sec. 110.002,
27 Family Code) . . . \$15;

1 (v) petition for license suspension (Sec.
2 110.002, Family Code) . . . \$15;

3 (vi) motion to revoke a stay of license
4 suspension (Sec. 110.002, Family Code) . . . \$15; and

5 (vii) motion for contempt (Sec. 110.002,
6 Family Code) . . . \$15;

7 (I) order or writ of income withholding to be
8 delivered to employer (Sec. 110.004, Family Code) . . . not to
9 exceed \$15;

10 (J) filing fee for transferred case (Sec.
11 110.005, Family Code) . . . \$45;

12 (K) filing a writ of withholding (Sec. 158.319,
13 Family Code) . . . \$15;

14 (L) filing a request for modified writ of
15 withholding or notice of termination (Sec. 158.403, Family Code)
16 . . . not to exceed \$15;

17 (M) filing an administrative writ to employer
18 (Sec. 158.503, Family Code) . . . not to exceed \$15; and

19 (N) genetic testing fees in relation to a child
20 born to a gestational mother (Sec. 160.762, Family Code) . . . as
21 assessed by the court;

22 (30) in juvenile court:

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

25 (B) a teen court administration fee (Sec. 54.032,
26 Family Code) . . . not to exceed \$20 [~~\$10~~];

27 (C) court costs for juvenile probation diversion

1 fund (Sec. 54.0411, Family Code) . . . \$20;

2 (D) a juvenile delinquency prevention fee (Sec.
3 54.0461, Family Code) . . . \$5; and

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

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

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

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

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

17 (35) administrative fee for failure to appear for a
18 complaint or citation on certain offenses (Sec. 706.006,
19 Transportation Code) . . . \$30 for each violation;

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

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

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

27 (A) investigation (Sec. 821.023, Health and

1 Safety Code) . . . actual costs;

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

4 (C) housing and caring for the animal during its
5 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
6 costs;

7 (D) conducting any public sale ordered by the
8 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
9 and

10 (E) humanely destroying the animal if
11 destruction is ordered by the court (Sec. 821.023, Health and
12 Safety Code) . . . actual costs.

13 SECTION 4. This Act applies only to fees relating to a
14 request for a teen court program under Article 45.052, Code of
15 Criminal Procedure, as amended by this Act, or Section 54.032,
16 Family Code, as amended by this Act, made on or after the effective
17 date of this Act. A fee relating to a request for a teen court
18 program under Article 45.052, Code of Criminal Procedure, or
19 Section 54.032, Family Code, that became payable before the
20 effective date of this Act is governed by the law in effect at the
21 time the fee became payable, and that law is continued in effect for
22 that purpose.

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