

By: Campbell, Escobar, Hardcastle, Chisum,
Blake, et al.

H.B. No. 3280

Substitute the following for H.B. No. 3280:

By: Chavez

C.S.H.B. No. 3280

A BILL TO BE ENTITLED

AN ACT

relating to increasing funding for sheriffs in certain small
counties.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is
amended by adding Section 411.0093 to read as follows:

Sec. 411.0093. LOCAL COOPERATION WITH SHERIFFS; GRANTS.

(a) The department may make grants to a sheriff in a county with a
population of less than 150,000.

(b) In determining whether to award a grant under this
section, the department shall consider the extent to which the
sheriff will use the money to enhance homeland security and fight
drug trafficking.

(c) The department may adopt rules regarding application
and eligibility requirements under this section.

(d) The commissioners court of a county in which a sheriff
who receives a grant under this section serves may not, as a result
of the grant, reduce the county funds provided for the sheriff.

(e) The county law enforcement assistance fund is a separate
account in the general revenue fund. Money in the account may be
used by the department only to award grants under this section.
Section 403.095(b) does not apply to the account.

SECTION 2. Subchapter A, Chapter 102, Code of Criminal
Procedure, is amended by adding Article 102.022 to read as follows:

1 Art. 102.022. COSTS ON CONVICTION TO FUND COUNTY LAW
2 ENFORCEMENT ASSISTANCE. (a) In this article, "moving violation"
3 means an offense that:

4 (1) involves the operation of a motor vehicle; and
5 (2) is classified as a moving violation by the
6 Department of Public Safety under Section 708.052, Transportation
7 Code.

8 (b) A defendant convicted of a moving violation in a justice
9 court, county court, county court at law, or municipal court shall
10 pay a \$10 fee as a cost of court.

11 (c) 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 (d) The clerks of the respective courts shall collect the
18 costs described by this article. The clerk shall keep separate
19 records of the funds collected as costs under this article and shall
20 deposit the funds in the county or municipal treasury, as
21 appropriate.

22 (e) The custodian of a county or municipal treasury shall:
23 (1) keep records of the amount of funds on deposit
24 collected under this article; and
25 (2) send to the comptroller before the last day of the
26 first month following each calendar quarter the funds collected
27 under this article during the preceding quarter.

1 (f) A county or municipality may retain 10 percent of the
2 funds collected under this article by an officer of the county or
3 municipality as a collection fee if the custodian of the county or
4 municipal treasury complies with Subsection (e).

5 (g) If no funds due as costs under this article are
6 deposited in a county or municipal treasury in a calendar quarter,
7 the custodian of the treasury shall file the report required for the
8 quarter in the regular manner and must state that no funds were
9 collected.

10 (h) The comptroller shall deposit the funds received under
11 this article to the credit of the county law enforcement assistance
12 fund in the general revenue fund.

13 (i) Funds collected under this article are subject to audit
14 by the comptroller.

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

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

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

22 (2) a fee for services of the clerk of the court (Art.
23 102.005, Code of Criminal Procedure) . . . \$40;

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

26 (4) a security fee on a misdemeanor offense (Art.
27 102.017, Code of Criminal Procedure) . . . \$3;

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

3 (5A) a county law enforcement fee (Art. 102.022, Code
4 of Criminal Procedure) . . . \$10; and

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

7 SECTION 4. Section 102.081, Government Code, is amended to
8 read as follows:

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

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

14 (2) a fee for clerk of the court services (Art.
15 102.005, Code of Criminal Procedure) . . . \$40;

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

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

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

22 (6) a county law enforcement fee (Art. 102.022, Code
23 of Criminal Procedure) . . . \$10.

24 SECTION 5. Section 102.101, Government Code, is amended to
25 read as follows:

26 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
27 JUSTICE COURT. A clerk of a justice court shall collect fees and

1 costs on conviction of a defendant as follows:

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

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

7 (3) a jury fee for two or more defendants tried jointly
8 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
9 \$3;

10 (4) a security fee on a misdemeanor offense (Art.
11 102.017, Code of Criminal Procedure) . . . \$3;

12 (5) a fee for technology fund on a misdemeanor offense
13 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;

14 (5A) a county law enforcement fee (Art. 102.022, Code
15 of Criminal Procedure) . . . \$10; and

16 (6) a court cost on conviction in Comal County (Sec.
17 152.0522, Human Resources Code) . . . \$1.50.

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

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

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

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

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

4 (4) a security fee on a misdemeanor offense (Art.
5 102.017, Code of Criminal Procedure) . . . \$3; [~~and~~]

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

9 (6) a county law enforcement fee (Art. 102.022, Code
10 of Criminal Procedure) . . . \$10.

11 SECTION 7. The imposition of a cost of court under Article
12 102.022, Code of Criminal Procedure, as added by this Act, applies
13 only to an offense committed on or after the effective date of this
14 Act. An offense committed before the effective date of this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense was committed before that
19 date.

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