

By: Harris

S.B. No. 1006

A BILL TO BE ENTITLED

AN ACT

relating to the period of time during which a person may be supervised in a pretrial intervention program and the fee that may be charged for the program.

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

SECTION 1. Section 76.011(a), Government Code, is amended to read as follows:

(a) The department may operate programs for the supervision and rehabilitation of persons in pretrial intervention programs. Programs may include testing for controlled substances. A person in a pretrial intervention program may be supervised for a period not to exceed two years [~~one year~~].

SECTION 2. Article 102.012, Code of Criminal Procedure, is amended to read as follows:

Art. 102.012. FEES FOR PRETRIAL INTERVENTION PROGRAMS. (a) A court that authorizes a defendant to participate [~~person~~] in a pretrial intervention program established under Section 76.011, Government Code, may order the defendant to pay to the court [~~be assessed~~] a supervision fee in an amount not more than \$60 per month as a condition of participating in the program.

(b) In addition to or in lieu of the supervision fee authorized by Subsection (a), the court may order the defendant to pay or reimburse [~~that equals the actual cost to~~] a community supervision and corrections department for any other expense

1 incurred as a result of the defendant's participation in the
2 pretrial intervention program or that is necessary to the
3 defendant's successful completion of the program~~[, not to exceed~~
4 ~~\$500, for supervision of the defendant by the department or~~
5 ~~programs provided to the defendant by the department as part of the~~
6 ~~pretrial intervention program]~~.

7 SECTION 3. Section 103.021, Government Code, is amended to
8 read as follows:

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

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

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

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

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

25 (5) reimbursement to general revenue fund for payments
26 made to victim of an offense as condition of community supervision
27 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50

1 for a misdemeanor offense or \$100 for a felony offense;

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

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

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

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

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

15 (11) for certain financially able sex offenders as a
16 condition of community supervision, the costs of treatment,
17 specialized supervision, or rehabilitation (Art. 42.12, Code of
18 Criminal Procedure) . . . all or part of the reasonable and
19 necessary costs of the treatment, supervision, or rehabilitation as
20 determined by the judge;

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

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

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

4 (15) an additional fee:

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

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

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

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

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

22 (19) certified mailing of notice of hearing date (Art.
23 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

24 (20) certified mailing of certified copies of an order
25 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
26 plus postage;

27 (21) sight orders:

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

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

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

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

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

16 (22) fees [~~a fee~~] for a pretrial intervention program
17 (Art. 102.012, Code of Criminal Procedure) . . . \$60 a month plus
18 expenses [~~not to exceed \$500~~];

19 (23) parking fee violations for child safety fund in
20 municipalities with populations:

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

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

26 (24) an administrative fee for collection of fines,
27 fees, restitution, or other costs (Art. 102.072, Code of Criminal

1 Procedure) . . . not to exceed \$2 for each transaction;

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

3 (A) in a criminal court in Dallas County (Sec.
4 25.0593, Government Code) . . . \$3;

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

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

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

11 (26) a speedy trial filing fee in El Paso County (Sec.
12 54.745, Government Code) . . . \$100;

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

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

18 (29) in family matters:

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

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

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

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

1 (E) issuance of change of name certificate (Sec.
2 45.106, Family Code) . . . \$10;

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

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

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

9 (i) suit or motion for modification (Sec.
10 110.002, Family Code) . . . \$15;

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

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

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

17 (v) petition for license suspension (Sec.
18 110.002, Family Code) . . . \$15;

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

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

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

26 (J) filing fee for transferred case (Sec.
27 110.005, Family Code) . . . \$45;

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

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

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

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

11 (30) in juvenile court:

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

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

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

19 (D) a juvenile delinquency prevention fee (Sec.
20 54.0461, Family Code) . . . \$5; and

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

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

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

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

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

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

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

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

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

17 (A) investigation (Sec. 821.023, Health and
18 Safety Code) . . . actual costs;

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

21 (C) housing and caring for the animal during its
22 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
23 costs;

24 (D) conducting any public sale ordered by the
25 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
26 and

27 (E) humanely destroying the animal if

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1 destruction is ordered by the court (Sec. 821.023, Health and
2 Safety Code) . . . actual costs.

3 SECTION 4. This Act takes effect September 1, 2005.