

By: Harris S.B. No. 1006  
(In the Senate - Filed March 4, 2005; March 14, 2005, read first time and referred to Committee on Criminal Justice; April 7, 2005, reported favorably by the following vote: Yeas 5, Nays 0; April 7, 2005, sent to printer.)

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. Subsection (a), Section 76.011, 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 incurred as a result of the defendant's participation in the pretrial intervention program or that is necessary to the defendant's successful completion of the program[, not to exceed \$500, for supervision of the defendant by the department or programs provided to the defendant by the department as part of the pretrial intervention program].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) an additional fee:

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

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

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

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

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

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

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

(21) sight orders:

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

(29) in family matters:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30) in juvenile court:  
 (A) fee schedule for deferred prosecution services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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