

By: Madla

S.B. No. 1235

A BILL TO BE ENTITLED

AN ACT

relating to imposing costs on conviction for certain intoxication and drug offenses to support certain drug court programs.

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

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0178 to read as follows:

Art. 102.0178. COSTS ATTENDANT TO CERTAIN INTOXICATION AND DRUG CONVICTIONS. (a) In addition to other costs on conviction imposed by this chapter, a person shall pay \$50 as a court cost on conviction of an offense under:

(1) Chapter 49, Penal Code; or

(2) Chapter 481, Health and Safety Code.

(b) The court shall assess and make a reasonable effort to collect the cost due under this article whether or not any other court cost is assessed or collected.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed;

(2) the defendant receives community supervision or deferred adjudication; or

(3) the court defers final disposition of the case.

(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs

1 shall keep separate records of the funds collected as costs under
2 this article and shall deposit the funds in the county or municipal
3 treasury, as appropriate.

4 (e) The custodian of a county or municipal treasury shall:

5 (1) keep records of the amount of funds on deposit
6 collected under this article; and

7 (2) send to the comptroller before the last day of the
8 first month following each calendar quarter the funds collected
9 under this article during the preceding quarter.

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

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

19 (h) The comptroller shall deposit the funds received under
20 this article to the credit of the drug court account in the general
21 revenue fund to help fund drug court programs established under
22 Chapter 469, Health and Safety Code. The comptroller shall
23 distribute money from the account on a pro rata basis to drug court
24 programs that apply for the money.

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

27 SECTION 2. Section 102.021, Government Code, is amended to

read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION. A person convicted of an offense shall pay, in addition to all other costs:

(1) court costs on conviction of a felony (Sec. 133.102, Local Government Code) . . . \$133;

(2) court costs on conviction of a Class A or Class B misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

(3) court costs on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.102, Local Government Code) . . . \$40;

(4) court costs on certain convictions in statutory county courts (Sec. 51.702, Government Code) . . . \$15;

(5) court costs on certain convictions in certain county courts (Sec. 51.703, Government Code) . . . \$15;

(6) a time payment fee if convicted of a felony or misdemeanor for paying any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution (Sec. 133.103, Local Government Code) . . . \$25;

(7) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(8) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

1 (B) executing or processing an issued arrest
2 warrant or capias (Art. 102.011, Code of Criminal
3 Procedure) . . . \$50;

4 (C) summoning a witness (Art. 102.011, Code of
5 Criminal Procedure) . . . \$5;

6 (D) serving a writ not otherwise listed (Art.
7 102.011, Code of Criminal Procedure) . . . \$35;

8 (E) taking and approving a bond and, if
9 necessary, returning the bond to courthouse (Art. 102.011, Code of
10 Criminal Procedure) . . . \$10;

11 (F) commitment or release (Art. 102.011, Code of
12 Criminal Procedure) . . . \$5;

13 (G) summoning a jury (Art. 102.011, Code of
14 Criminal Procedure) . . . \$5;

15 (H) attendance of a prisoner in habeas corpus
16 case if prisoner has been remanded to custody or held to bail (Art.
17 102.011, Code of Criminal Procedure) . . . \$8 each day;

18 (I) mileage for certain services performed (Art.
19 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

20 (J) services of a sheriff or constable who serves
21 process and attends examining trial in certain cases (Art. 102.011,
22 Code of Criminal Procedure) . . . not to exceed \$5;

23 (9) services of a peace officer in conveying a witness
24 outside the county (Art. 102.011, Code of Criminal
25 Procedure) . . . \$10 per day or part of a day, plus actual
26 necessary travel expenses;

27 (10) overtime of peace officer for time spent

1 testifying in the trial or traveling to or from testifying in the
2 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
3 cost;

4 (11) court costs on an offense relating to rules of the
5 road, when offense occurs within a school crossing zone (Art.
6 102.014, Code of Criminal Procedure) . . . \$25;

7 (12) court costs on an offense of passing a school bus
8 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

9 (13) court costs on an offense of truancy or
10 contributing to truancy (Art. 102.014, Code of Criminal
11 Procedure) . . . \$20;

12 (14) cost for visual recording of intoxication arrest
13 before conviction (Art. 102.018, Code of Criminal
14 Procedure) . . . \$15;

15 (15) cost of certain evaluations (Art. 102.018, Code
16 of Criminal Procedure) . . . actual cost;

17 (16) additional costs attendant to certain
18 intoxication convictions under Chapter 49, Penal Code, for
19 emergency medical services, trauma facilities, and trauma care
20 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

21 (17) cost for DNA testing for certain felonies (Art.
22 102.020, Code of Criminal Procedure) . . . \$250;

23 (18) court cost on an offense of public lewdness or
24 indecent exposure (Art. 102.020, Code of Criminal
25 Procedure) . . . \$50;

26 (19) court cost on conviction of a misdemeanor under
27 Subtitle C, Title 7, Transportation Code (Sec. 542.403,

1 Transportation Code) . . . \$3;

2 (20) cost for impoundment of vehicle (Sec. 601.263,
3 Transportation Code) . . . \$15 per day; ~~and~~

4 (21) a civil and criminal enforcement cost on
5 conviction of an offense of, or related to, the nonpayment of a toll
6 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;
7 and

8 (22) additional costs attendant to convictions under
9 Chapter 49, Penal Code, and under Chapter 481, Health and Safety
10 Code, to help fund drug court programs established under Chapter
11 469, Health and Safety Code (Art. 102.0178, Code of Criminal
12 Procedure) . . . \$50.

13 SECTION 3. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 covered by the law in effect when the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before the effective date of
19 this Act if any element of the offense was committed before that
20 date.

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