

By: Gallegos

S.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

relating to fees charged to persons applying for the expunction of certain offenses committed by minors.

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

SECTION 1. Section 106.12, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

SECTION 2. Subsection (i), Article 45.0216, Code of Criminal Procedure, is amended to read as follows:

(i) The justice or municipal court shall ~~[may not]~~ require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article ~~[or court costs]~~.

SECTION 3. Subsection (d), Article 45.055, Code of Criminal Procedure, is amended to read as follows:

(d) The court shall ~~[may not]~~ require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article ~~[or court costs for seeking expunction]~~.

1 SECTION 4. Article 102.006, Code of Criminal Procedure, is
2 amended to read as follows:

3 Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. In addition
4 to any other fees required by other law, a [A] petitioner seeking
5 expunction of a criminal record shall pay the following fees:

6 (1) the fee charged for filing an ex parte petition in
7 a civil action in district court;

8 (2) \$1 plus postage for each certified mailing of
9 notice of the hearing date; and

10 (3) \$2 plus postage for each certified mailing of
11 certified copies of an order of expunction.

12 SECTION 5. Section 161.255, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 161.255. EXPUNGEMENT OF CONVICTION. (a) An
15 individual convicted of an offense under Section 161.252 may apply
16 to the court to have the conviction expunged. If the court finds
17 that the individual satisfactorily completed the tobacco awareness
18 program or tobacco-related community service ordered by the court,
19 the court shall order the conviction and any complaint, verdict,
20 sentence, or other document relating to the offense to be expunged
21 from the individual's record and the conviction may not be shown or
22 made known for any purpose.

23 (b) The court shall charge an applicant a fee in the amount
24 of \$30 for each application for expungement filed under this
25 section to defray the cost of notifying state agencies of orders of
26 expungement under this section.

27 SECTION 6. Section 103.021, Government Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (15) an additional fee:

25 (A) as an administrative fee for requesting a
26 driving safety course or a course under the motorcycle operator
27 training and safety program for certain traffic offenses to cover

1 the cost of administering the article (Art. 45.0511(f)(1), Code of
2 Criminal Procedure) . . . not to exceed \$10; or

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

8 (16) a request fee for teen court program (Art.
9 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

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

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

15 (19) certified mailing of notice of hearing date (Art.
16 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

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

20 (20-a) a fee to defray the cost of notifying state
21 agencies of orders of expungement (Art. 45.0216, Code of Criminal
22 Procedure) . . . \$30 per application;

23 (20-b) a fee to defray the cost of notifying state
24 agencies of orders of expunction (Art. 45.055, Code of Criminal
25 Procedure) . . . \$30 per application;

26 (20-c) a fee to defray the cost of notifying state
27 agencies of orders of expungement (Sec. 106.12, Alcoholic Beverage

1 Code) . . . \$30 per application;

2 (20-d) a fee to defray the cost of notifying state
3 agencies of orders of expungement (Sec. 161.255, Health and Safety
4 Code) . . . \$30 per application;

5 (21) sight orders:

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

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

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

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

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

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

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

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

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

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

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

7 (A) in a criminal court in Dallas County (Sec.
8 25.0593, Government Code) . . . \$3;

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

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

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

15 (26) a speedy trial filing fee in El Paso County (Sec.
16 54.745, Government Code) . . . \$100;

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

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

22 (29) in family matters:

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

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

27 (C) issuing and delivering modified writ of

1 withholding or notice of termination (Sec. 8.302, Family
2 Code) . . . \$15;

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

5 (E) issuance of change of name certificate (Sec.
6 45.106, Family Code) . . . \$10;

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

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

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

13 (i) suit or motion for modification (Sec.
14 110.002, Family Code) . . . \$15;

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

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

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

21 (v) petition for license suspension (Sec.
22 110.002, Family Code) . . . \$15;

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

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

27 (I) order or writ of income withholding to be

1 delivered to employer (Sec. 110.004, Family Code) . . . not to
2 exceed \$15;

3 (J) filing fee for transferred case (Sec.
4 110.005, Family Code) . . . \$45;

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

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

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

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

15 (30) in juvenile court:

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

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

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

23 (D) a juvenile delinquency prevention fee (Sec.
24 54.0461, Family Code) . . . \$5; and

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

27 (31) a court reporter service fee if the courts have

1 official court reporters (Sec. 51.601, Government Code) . . . \$15;

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 7. The changes in law made by this Act apply only to
8 an application for expunction filed on or after the effective date
9 of this Act. An application for expunction filed before the
10 effective date of this Act is covered by the law in effect when the
11 application was filed, and the former law is continued in effect for
12 that purpose.

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