

1-1 By: Gallegos S.B. No. 1426
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 14, 2005, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to fees charged to persons applying for the expunction of
1-9 certain offenses committed by minors.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 106.12, Alcoholic Beverage Code, is
1-12 amended by adding Subsection (d) to read as follows:

1-13 (d) The court shall charge an applicant a fee in the amount
1-14 of \$30 for each application for expungement filed under this
1-15 section to defray the cost of notifying state agencies of orders of
1-16 expungement under this section.

1-17 SECTION 2. Subsection (i), Article 45.0216, Code of
1-18 Criminal Procedure, is amended to read as follows:

1-19 (i) The justice or municipal court ~~shall~~ ~~[may not]~~ require a
1-20 person who requests expungement under this article to pay a ~~[any]~~
1-21 fee in the amount of \$30 to defray the cost of notifying state
1-22 agencies of orders of expungement under this article ~~[or court~~
1-23 ~~costs]~~.

1-24 SECTION 3. Subsection (d), Article 45.055, Code of Criminal
1-25 Procedure, is amended to read as follows:

1-26 (d) The court ~~shall~~ ~~[may not]~~ require an individual who
1-27 files an application under this article to pay a ~~[any]~~ fee in the
1-28 amount of \$30 to defray the cost of notifying state agencies of
1-29 orders of expunction under this article ~~[or court costs for seeking~~
1-30 ~~expunction]~~.

1-31 SECTION 4. Article 102.006, Code of Criminal Procedure, is
1-32 amended to read as follows:

1-33 Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. In addition
1-34 to any other fees required by other law, a [A] petitioner seeking
1-35 expunction of a criminal record shall pay the following fees:

1-36 (1) the fee charged for filing an ex parte petition in
1-37 a civil action in district court;

1-38 (2) \$1 plus postage for each certified mailing of
1-39 notice of the hearing date; and

1-40 (3) \$2 plus postage for each certified mailing of
1-41 certified copies of an order of expunction.

1-42 SECTION 5. Section 161.255, Health and Safety Code, is
1-43 amended to read as follows:

1-44 Sec. 161.255. EXPUNGEMENT OF CONVICTION. (a) An
1-45 individual convicted of an offense under Section 161.252 may apply
1-46 to the court to have the conviction expunged. If the court finds
1-47 that the individual satisfactorily completed the tobacco awareness
1-48 program or tobacco-related community service ordered by the court,
1-49 the court shall order the conviction and any complaint, verdict,
1-50 sentence, or other document relating to the offense to be expunged
1-51 from the individual's record and the conviction may not be shown or
1-52 made known for any purpose.

1-53 (b) The court shall charge an applicant a fee in the amount
1-54 of \$30 for each application for expungement filed under this
1-55 section to defray the cost of notifying state agencies of orders of
1-56 expungement under this section.

1-57 SECTION 6. Section 103.021, Government Code, is amended to
1-58 read as follows:

1-59 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
1-60 CIVIL CASES. An accused or defendant, or a party to a civil suit, as
1-61 applicable, shall pay the following fees and costs if ordered by the
1-62 court or otherwise required:

1-63 (1) a personal bond fee (Art. 17.42, Code of Criminal
1-64 Procedure) . . . the greater of \$20 or three percent of the amount

2-1 of the bail fixed for the accused;

2-2 (2) cost of electronic monitoring as a condition of

2-3 release on personal bond (Art. 17.43, Code of Criminal

2-4 Procedure) . . . actual cost;

2-5 (3) a fee for verification of and monitoring of motor

2-6 vehicle ignition interlock (Art. 17.441, Code of Criminal

2-7 Procedure) . . . not to exceed \$10;

2-8 (4) repayment of reward paid by a crime stoppers

2-9 organization on conviction of a felony (Art. 37.073, Code of

2-10 Criminal Procedure) . . . amount ordered;

2-11 (5) reimbursement to general revenue fund for payments

2-12 made to victim of an offense as condition of community supervision

2-13 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50

2-14 for a misdemeanor offense or \$100 for a felony offense;

2-15 (6) payment to a crime stoppers organization as

2-16 condition of community supervision (Art. 42.12, Code of Criminal

2-17 Procedure) . . . not to exceed \$50;

2-18 (7) children's advocacy center fee (Art. 42.12, Code

2-19 of Criminal Procedure) . . . not to exceed \$50;

2-20 (8) family violence shelter center fee (Art. 42.12,

2-21 Code of Criminal Procedure) . . . not to exceed \$100;

2-22 (9) community supervision fee (Art. 42.12, Code of

2-23 Criminal Procedure) . . . not less than \$25 or more than \$60 per

2-24 month;

2-25 (10) additional community supervision fee for certain

2-26 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per

2-27 month;

2-28 (11) for certain financially able sex offenders as a

2-29 condition of community supervision, the costs of treatment,

2-30 specialized supervision, or rehabilitation (Art. 42.12, Code of

2-31 Criminal Procedure) . . . all or part of the reasonable and

2-32 necessary costs of the treatment, supervision, or rehabilitation as

2-33 determined by the judge;

2-34 (12) fee for failure to appear for trial in a justice

2-35 or municipal court if a jury trial is not waived (Art. 45.026, Code

2-36 of Criminal Procedure) . . . costs incurred for impaneling the

2-37 jury;

2-38 (13) costs of certain testing, assessments, or

2-39 programs during a deferral period (Art. 45.051, Code of Criminal

2-40 Procedure) . . . amount ordered;

2-41 (14) special expense on dismissal of certain

2-42 misdemeanor complaints (Art. 45.051, Code of Criminal

2-43 Procedure) . . . not to exceed amount of fine assessed;

2-44 (15) an additional fee:

2-45 (A) as an administrative fee for requesting a

2-46 driving safety course or a course under the motorcycle operator

2-47 training and safety program for certain traffic offenses to cover

2-48 the cost of administering the article (Art. 45.0511(f)(1), Code of

2-49 Criminal Procedure) . . . not to exceed \$10; or

2-50 (B) for requesting a driving safety course or a

2-51 course under the motorcycle operator training and safety program

2-52 before the final disposition of the case (Art. 45.0511(f)(2), Code

2-53 of Criminal Procedure) . . . not to exceed the maximum amount of

2-54 the fine for the offense committed by the defendant;

2-55 (16) a request fee for teen court program (Art.

2-56 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

2-57 (17) a fee to cover costs of required duties of teen

2-58 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;

2-59 (18) a mileage fee for officer performing certain

2-60 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15

2-61 per mile;

2-62 (19) certified mailing of notice of hearing date (Art.

2-63 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

2-64 (20) certified mailing of certified copies of an order

2-65 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,

2-66 plus postage;

2-67 (20-a) a fee to defray the cost of notifying state

2-68 agencies of orders of expungement (Art. 45.0216, Code of Criminal

2-69 Procedure) . . . \$30 per application;

3-1 (20-b) a fee to defray the cost of notifying state
3-2 agencies of orders of expunction (Art. 45.055, Code of Criminal
3-3 Procedure) . . . \$30 per application;
3-4 (20-c) a fee to defray the cost of notifying state
3-5 agencies of orders of expungement (Section 106.12, Alcoholic
3-6 Beverage Code) . . . \$30 per application;
3-7 (20-d) a fee to defray the cost of notifying state
3-8 agencies of orders of expungement (Section 161.255, Health and
3-9 Safety Code) . . . \$30 per application;
3-10 (21) sight orders:
3-11 (A) if the face amount of the check or sight order
3-12 does not exceed \$10 (Art. 102.007, Code of Criminal
3-13 Procedure) . . . not to exceed \$10;
3-14 (B) if the face amount of the check or sight order
3-15 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
3-16 Criminal Procedure) . . . not to exceed \$15;
3-17 (C) if the face amount of the check or sight order
3-18 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
3-19 Criminal Procedure) . . . not to exceed \$30;
3-20 (D) if the face amount of the check or sight order
3-21 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
3-22 Criminal Procedure) . . . not to exceed \$50; and
3-23 (E) if the face amount of the check or sight order
3-24 is greater than \$500 (Art. 102.007, Code of Criminal
3-25 Procedure) . . . not to exceed \$75;
3-26 (22) a fee for pretrial intervention program (Art.
3-27 102.012, Code of Criminal Procedure) . . . not to exceed \$500;
3-28 (23) parking fee violations for child safety fund in
3-29 municipalities with populations:
3-30 (A) greater than 850,000 (Art. 102.014, Code of
3-31 Criminal Procedure) . . . not less than \$2 and not to exceed \$5;
3-32 and
3-33 (B) less than 850,000 (Art. 102.014, Code of
3-34 Criminal Procedure) . . . not to exceed \$5;
3-35 (24) an administrative fee for collection of fines,
3-36 fees, restitution, or other costs (Art. 102.072, Code of Criminal
3-37 Procedure) . . . not to exceed \$2 for each transaction;
3-38 (25) a court reporter fee when testimony is taken:
3-39 (A) in a criminal court in Dallas County (Sec.
3-40 25.0593, Government Code) . . . \$3;
3-41 (B) in a county criminal court of appeals in
3-42 Dallas County (Sec. 25.0594, Government Code) . . . \$3;
3-43 (C) in a county court at law in McLennan County
3-44 (Sec. 25.1572, Government Code) . . . \$3; and
3-45 (D) in a county criminal court in Tarrant County
3-46 (Sec. 25.2223, Government Code) . . . \$3;
3-47 (26) a speedy trial filing fee in El Paso County (Sec.
3-48 54.745, Government Code) . . . \$100;
3-49 (27) costs for use of magistrate in Brazos County
3-50 (Sec. 54.1116, Government Code) . . . not to exceed \$50;
3-51 (28) an administrative fee for participation in
3-52 certain community supervision programs (Sec. 76.015, Government
3-53 Code) . . . not less than \$25 and not more than \$40 per month;
3-54 (29) in family matters:
3-55 (A) issuing writ of withholding (Sec. 8.262,
3-56 Family Code) . . . \$15;
3-57 (B) filing copy of writ of withholding to
3-58 subsequent employer (Sec. 8.267, Family Code) . . . \$15;
3-59 (C) issuing and delivering modified writ of
3-60 withholding or notice of termination (Sec. 8.302, Family
3-61 Code) . . . \$15;
3-62 (D) issuing and delivering notice of termination
3-63 of withholding (Sec. 8.303, Family Code) . . . \$15;
3-64 (E) issuance of change of name certificate (Sec.
3-65 45.106, Family Code) . . . \$10;
3-66 (F) protective order fee (Sec. 81.003, Family
3-67 Code) . . . \$16;
3-68 (G) filing suit requesting adoption of child
3-69 (Sec. 108.006, Family Code) . . . \$15;

4-1 (H) filing fees for suits affecting parent-child
4-2 relationship (Sec. 110.002, Family Code):
4-3 (i) suit or motion for modification (Sec.
4-4 110.002, Family Code) . . . \$15;
4-5 (ii) motion for enforcement (Sec. 110.002,
4-6 Family Code) . . . \$15;
4-7 (iii) notice of application for judicial
4-8 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
4-9 (iv) motion to transfer (Sec. 110.002,
4-10 Family Code) . . . \$15;
4-11 (v) petition for license suspension (Sec.
4-12 110.002, Family Code) . . . \$15;
4-13 (vi) motion to revoke a stay of license
4-14 suspension (Sec. 110.002, Family Code) . . . \$15; and
4-15 (vii) motion for contempt (Sec. 110.002,
4-16 Family Code) . . . \$15;
4-17 (I) order or writ of income withholding to be
4-18 delivered to employer (Sec. 110.004, Family Code) . . . not to
4-19 exceed \$15;
4-20 (J) filing fee for transferred case (Sec.
4-21 110.005, Family Code) . . . \$45;
4-22 (K) filing a writ of withholding (Sec. 158.319,
4-23 Family Code) . . . \$15;
4-24 (L) filing a request for modified writ of
4-25 withholding or notice of termination (Sec. 158.403, Family
4-26 Code) . . . not to exceed \$15;
4-27 (M) filing an administrative writ to employer
4-28 (Sec. 158.503, Family Code) . . . not to exceed \$15; and
4-29 (N) genetic testing fees in relation to a child
4-30 born to a gestational mother (Sec. 160.762, Family Code) . . . as
4-31 assessed by the court;
4-32 (30) in juvenile court:
4-33 (A) fee schedule for deferred prosecution
4-34 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a
4-35 month;
4-36 (B) a teen court administration fee (Sec. 54.032,
4-37 Family Code) . . . not to exceed \$10;
4-38 (C) court costs for juvenile probation diversion
4-39 fund (Sec. 54.0411, Family Code) . . . \$20;
4-40 (D) a juvenile delinquency prevention fee (Sec.
4-41 54.0461, Family Code) . . . \$5; and
4-42 (E) a court fee for child's probationary period
4-43 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;
4-44 (31) a court reporter service fee if the courts have
4-45 official court reporters (Sec. 51.601, Government Code) . . . \$15;
4-46 (32) administrative fee on dismissal of charge of
4-47 driving with an expired motor vehicle registration (Sec. 502.407,
4-48 Transportation Code) . . . not to exceed \$10;
4-49 (33) administrative fee on dismissal of charge of
4-50 driving with an expired driver's license (Sec. 521.026,
4-51 Transportation Code) . . . not to exceed \$10;
4-52 (34) administrative fee on remediation of charge of
4-53 driving with an expired inspection certificate (Sec. 548.605,
4-54 Transportation Code) . . . not to exceed \$10;
4-55 (35) administrative fee for failure to appear for a
4-56 complaint or citation on certain offenses (Sec. 706.006,
4-57 Transportation Code) . . . \$30 for each violation;
4-58 (36) administrative fee for failure to pay or satisfy
4-59 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;
4-60 (37) fee paid on filing a petition for an order of
4-61 nondisclosure of criminal history record information in certain
4-62 cases (Sec. 411.081, Government Code) . . . \$28; and
4-63 (38) on a finding that an animal's owner has cruelly
4-64 treated the animal, court costs including:
4-65 (A) investigation (Sec. 821.023, Health and
4-66 Safety Code) . . . actual costs;
4-67 (B) expert witnesses (Sec. 821.023, Health and
4-68 Safety Code) . . . actual costs;
4-69 (C) housing and caring for the animal during its

5-1 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
5-2 costs;

5-3 (D) conducting any public sale ordered by the
5-4 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
5-5 and

5-6 (E) humanely destroying the animal if
5-7 destruction is ordered by the court (Sec. 821.023, Health and
5-8 Safety Code) . . . actual costs.

5-9 SECTION 7. The changes in law made by this Act apply only to
5-10 an application for expunction filed on or after the effective date
5-11 of this Act. An application for expunction filed before the
5-12 effective date of this Act is covered by the law in effect when the
5-13 application was filed, and the former law is continued in effect for
5-14 that purpose.

5-15 SECTION 8. This Act takes effect September 1, 2005.

5-16 * * * * *