

1-1 By: West S.B. No. 1503
1-2 (In the Senate - Filed March 10, 2005; March 22, 2005, read
1-3 first time and referred to Subcommittee on Higher Education;
1-4 April 11, 2005, referred to Committee on Criminal Justice;
1-5 April 25, 2005, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 4, Nays 2; April 25, 2005,
1-7 sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1503 By: Ellis

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the creation of the Institute on Race, Crime, and
1-12 Justice at the University of North Texas at Dallas to examine
1-13 certain information regarding racial profiling and to provide
1-14 training regarding issues related to law enforcement and certain
1-15 underrepresented racial or ethnic groups; providing a penalty.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Subchapter J, Chapter 105, Education Code, is
1-18 amended by adding Section 105.503 to read as follows:

1-19 Sec. 105.503. INSTITUTE ON RACE, CRIME, AND JUSTICE.

1-20 (a) In this section:

1-21 (1) "Institute" means the Institute on Race, Crime,
1-22 and Justice.

1-23 (2) "Law enforcement agency" has the meaning assigned
1-24 by Article 2.132, Code of Criminal Procedure.

1-25 (3) "Racial profiling" has the meaning assigned by
1-26 Article 3.05, Code of Criminal Procedure.

1-27 (b) The board shall establish and operate the Institute on
1-28 Race, Crime, and Justice at the University of North Texas at Dallas
1-29 to examine and provide training regarding issues of race, crime,
1-30 and justice in this state.

1-31 (b-1) Until the University of North Texas at Dallas operates
1-32 as a general academic teaching institution, the board shall
1-33 establish and operate the institute at the University of North
1-34 Texas System Center at Dallas.

1-35 (c) The institute is under the supervision and direction of
1-36 the board. The board shall approve the employment of personnel by
1-37 and the operating budget of the institute. An employee of the
1-38 institute is an employee of the university.

1-39 (d) The institute shall establish a program to:

1-40 (1) review and analyze all racial profiling data
1-41 submitted to the institute under Article 2.134, Code of Criminal
1-42 Procedure, including a review and analysis of:

1-43 (A) the discretionary and nondiscretionary
1-44 actions of law enforcement officers during motor vehicle stops; and

1-45 (B) the percentage and number of persons
1-46 subjected to motor vehicle stops in each political subdivision of
1-47 this state who are not residents of that political subdivision; and

1-48 (2) develop and sponsor training for law enforcement
1-49 management personnel in:

1-50 (A) racial profiling prevention;

1-51 (B) effective recruitment of members of
1-52 underrepresented racial or ethnic groups as candidates for careers
1-53 in law enforcement;

1-54 (C) promotion practices conducive to career
1-55 advancement of law enforcement officers from underrepresented
1-56 racial or ethnic groups;

1-57 (D) community engagement and partnership with
1-58 neighborhoods or communities inhabited by and businesses owned by
1-59 members of underrepresented racial or ethnic groups;

1-60 (E) conflict management in the context of law
1-61 enforcement agencies, the criminal justice system, and the
1-62 community, emphasizing crimes and other activities motivated by
1-63 race, religion, age, gender, or ethnicity; and

2-1 (F) human resource management issues in law
 2-2 enforcement.

2-3 (e) The institute shall coordinate the training program
 2-4 described by Subsection (d)(2) with the Bill Blackwood Law
 2-5 Enforcement Management Institute of Texas established under
 2-6 Section 96.64.

2-7 (f) The institute shall:

2-8 (1) not later than July 1 of each year, publish on the
 2-9 institute's Internet website an annual report providing the results
 2-10 of the institute's examination of racial profiling practices in
 2-11 this state for the preceding year and an aggregate-level analysis
 2-12 of the relevant data received from law enforcement agencies; and

2-13 (2) not later than November 1 of each even-numbered
 2-14 year, submit to the legislature a report containing any proposals
 2-15 the institute recommends for legislation to reduce or eliminate
 2-16 racial profiling in law enforcement.

2-17 (g) After the annual report described by Subsection (f)(1)
 2-18 is published, the institute shall delete all badge numbers and
 2-19 other similar identifying law enforcement agency numbers from
 2-20 incident-based data received by the institute on which the annual
 2-21 report is based.

2-22 (h) The institute shall provide to the governing body of the
 2-23 applicable political subdivision and to the local law enforcement
 2-24 agency of that subdivision an individualized analysis of the
 2-25 relevant data provided to the institute by that local law
 2-26 enforcement agency. On the local law enforcement agency's request,
 2-27 the institute shall provide to the agency a more detailed or
 2-28 specialized version of the analysis described by this subsection,
 2-29 but the law enforcement agency must pay the additional costs
 2-30 associated with providing the more specialized or detailed report
 2-31 to the agency under this subsection.

2-32 (i) The board may establish reasonable charges for
 2-33 participation by law enforcement management personnel in institute
 2-34 training programs. The board shall deposit any money from the
 2-35 charges to the credit of the Institute on Race, Crime, and Justice
 2-36 fund described by Subsection (j).

2-37 (j) The Institute on Race, Crime, and Justice fund is a
 2-38 separate account in the general revenue fund. Money in the account
 2-39 may be used by the board only to establish and operate the
 2-40 institute. Section 403.095(b), Government Code, does not apply to
 2-41 the account.

2-42 SECTION 2. Subsections (a), (b), and (d), Article 2.132,
 2-43 Code of Criminal Procedure, are amended to read as follows:

2-44 (a) In this article:

2-45 (1) "Law enforcement agency" means an agency of the
 2-46 state, or of a county, municipality, or other political subdivision
 2-47 of the state, that employs peace officers who make motor vehicle
 2-48 [~~traffic~~] stops in the routine performance of the officers'
 2-49 official duties.

2-50 (2) "Motor vehicle stop" means an occasion in which a
 2-51 peace officer stops a motor vehicle for an alleged violation of a
 2-52 law or ordinance.

2-53 (3) "Race or ethnicity" means of a particular descent,
 2-54 including Caucasian, African, Hispanic, Asian, [~~or~~] Native
 2-55 American, or Middle Eastern descent.

2-56 (b) Each law enforcement agency in this state shall adopt a
 2-57 detailed written policy on racial profiling. The policy must:

2-58 (1) clearly define acts constituting racial
 2-59 profiling;

2-60 (2) strictly prohibit peace officers employed by the
 2-61 agency from engaging in racial profiling;

2-62 (3) implement a process by which an individual may
 2-63 file a complaint with the agency if the individual believes that a
 2-64 peace officer employed by the agency has engaged in racial
 2-65 profiling with respect to the individual;

2-66 (4) provide public education relating to the agency's
 2-67 complaint process; and

2-68 (5) require appropriate corrective action to be taken
 2-69 against a peace officer employed by the agency who, after an

3-1 investigation, is shown to have engaged in racial profiling in
 3-2 violation of the agency's policy adopted under this article[+
 3-3 ~~[(6) require collection of information relating to~~
 3-4 ~~traffic stops in which a citation is issued and to arrests resulting~~
 3-5 ~~from those traffic stops, including information relating to:~~
 3-6 ~~[(A) the race or ethnicity of the individual~~
 3-7 ~~detained; and~~
 3-8 ~~[(B) whether a search was conducted and, if so,~~
 3-9 ~~whether the person detained consented to the search; and~~
 3-10 ~~[(7) require the agency to submit to the governing~~
 3-11 ~~body of each county or municipality served by the agency an annual~~
 3-12 ~~report of the information collected under Subdivision (6) if the~~
 3-13 ~~agency is an agency of a county, municipality, or other political~~
 3-14 ~~subdivision of the state].~~

3-15 (d) On adoption of a policy under Subsection (b), a law
 3-16 enforcement agency shall examine the feasibility of installing
 3-17 video camera and transmitter-activated equipment in each agency law
 3-18 enforcement motor vehicle regularly used to make motor vehicle
 3-19 ~~[traffic]~~ stops and transmitter-activated equipment in each agency
 3-20 law enforcement motorcycle regularly used to make motor vehicle
 3-21 ~~[traffic]~~ stops. If a law enforcement agency installs video or
 3-22 audio equipment as provided by this subsection, the policy adopted
 3-23 by the agency under Subsection (b) must include standards for
 3-24 reviewing video and audio documentation.

3-25 SECTION 3. Article 2.133, Code of Criminal Procedure, is
 3-26 amended to read as follows:

3-27 Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND~~
 3-28 ~~PEDESTRIAN]~~ STOPS. (a) In this article, "race [+
 3-29 ~~[(1) "Race]~~ or ethnicity" has the meaning assigned by
 3-30 Article 2.132(a).

3-31 ~~[(2) "Pedestrian stop" means an interaction between a~~
 3-32 ~~peace officer and an individual who is being detained for the~~
 3-33 ~~purpose of a criminal investigation in which the individual is not~~
 3-34 ~~under arrest.]~~

3-35 (b) A peace officer who stops a motor vehicle for an alleged
 3-36 violation of a law or ordinance ~~[regulating traffic or who stops a~~
 3-37 ~~pedestrian for any suspected offense]~~ shall report to the law
 3-38 enforcement agency that employs the officer information relating to
 3-39 the stop, including:

3-40 (1) a physical description of any [each] person
 3-41 operating the motor vehicle who is detained as a result of the stop,
 3-42 including:

3-43 (A) the person's gender; and

3-44 (B) the person's race or ethnicity ~~[, as stated by~~
 3-45 ~~the person or, if the person does not state the person's race or~~
 3-46 ~~ethnicity, as determined by the officer to the best of the officer's~~
 3-47 ~~ability];~~

3-48 (2) the initial reason for the stop ~~[traffic law or~~
 3-49 ~~ordinance alleged to have been violated or the suspected offense];~~

3-50 (3) whether the officer conducted a search as a result
 3-51 of the stop and, if so, whether the person detained consented to the
 3-52 search;

3-53 (4) whether any contraband or other evidence was
 3-54 discovered in the course of the search and a description ~~[the type]~~
 3-55 of the contraband or evidence ~~[discovered];~~

3-56 (5) the reason for the search, including whether:

3-57 (A) any contraband or other evidence was in plain
 3-58 view;

3-59 (B) any probable cause or reasonable suspicion
 3-60 existed to perform the search; or

3-61 (C) the search was performed as a result of the
 3-62 towing of the motor vehicle or the arrest of any person in the motor
 3-63 vehicle ~~[existed and the facts supporting the existence of that~~
 3-64 ~~probable cause];~~

3-65 (6) whether the officer made an arrest as a result of
 3-66 the stop or the search, including a statement of whether the arrest
 3-67 was based on a violation of the Penal Code, a violation of a traffic
 3-68 law or ordinance, or an outstanding warrant and a statement of the
 3-69 offense charged;

4-1 (7) the street address or approximate location of the
4-2 stop; and
4-3 (8) whether the officer issued a verbal or written
4-4 warning or a citation as a result of the stop~~[, including a~~
4-5 ~~description of the warning or a statement of the violation~~
4-6 ~~charged].~~

4-7 SECTION 4. Article 2.134, Code of Criminal Procedure, is
4-8 amended by amending Subsections (b), (c), (d), and (e) and adding
4-9 Subsections (d-1) and (g) to read as follows:

4-10 (b) A law enforcement agency shall compile and maintain for
4-11 purposes of analysis ~~[analyze]~~ the information contained in each
4-12 report received by the agency under Article 2.133. Not later than
4-13 February 15 ~~[March 1]~~ of each year, each ~~[local]~~ law enforcement
4-14 agency shall submit the incident-based data ~~[a report containing~~
4-15 ~~the information]~~ compiled during the previous calendar year to the
4-16 Institute on Race, Crime, and Justice established under Section
4-17 105.503, Education Code ~~[governing body of each county or~~
4-18 ~~municipality served by the agency in a manner approved by the~~
4-19 ~~agency].~~

4-20 (c) The incident-based data ~~[A report required under~~
4-21 ~~Subsection (b) must include:~~

4-22 ~~[(1) a comparative analysis of the information~~
4-23 ~~compiled under Article 2.133 to:~~

4-24 ~~[(A) determine the prevalence of racial~~
4-25 ~~profiling by peace officers employed by the agency; and~~

4-26 ~~[(B) examine the disposition of traffic and~~
4-27 ~~pedestrian stops made by officers employed by the agency, including~~
4-28 ~~searches resulting from the stops; and~~

4-29 ~~[(2) information relating to each complaint filed with~~
4-30 ~~the agency alleging that a peace officer employed by the agency has~~
4-31 ~~engaged in racial profiling.~~

4-32 ~~[(d) A report]~~ required under Subsection (b) must ~~[may not]~~
4-33 include identifying information, including a badge number or other
4-34 unique identifying law enforcement agency number, regarding
4-35 [about] a peace officer who makes a motor vehicle ~~[traffic or~~
4-36 ~~pedestrian]~~ stop or about an individual who is stopped or arrested
4-37 by a peace officer, but the identifying information is confidential
4-38 and may not be released to the public.

4-39 (d) A law enforcement agency shall analyze the information
4-40 contained in each report received by the agency under Article 2.133
4-41 or, if the agency does not elect to perform the analysis, shall
4-42 request the Institute on Race, Crime, and Justice to perform the
4-43 analysis for the agency. If the law enforcement agency elects to
4-44 analyze the information as described by this subsection, the agency
4-45 must submit to the institute as part of the required submission
4-46 under Subsection (b) all incident-based data, including all
4-47 applicable badge numbers and other similar identifying agency
4-48 numbers, on which the agency based its analysis. A local law
4-49 enforcement agency shall make its analysis under this subsection
4-50 available to the governing body of the political subdivision served
4-51 by the agency.

4-52 (d-1) A law enforcement agency is required to delete all
4-53 badge numbers and other similar identifying agency numbers from its
4-54 records of incident-based data immediately after the Institute on
4-55 Race, Crime, and Justice publishes the annual report based on the
4-56 data as required by Section 105.503(f)(1), Education Code ~~[This~~
4-57 ~~subsection does not affect the reporting of information required~~
4-58 ~~under Article 2.133(b)(1)].~~

4-59 (e) The Institute on Race, Crime, and Justice and the
4-60 Commission on Law Enforcement Officer Standards and Education
4-61 jointly shall develop guidelines for compiling, analyzing, and
4-62 submitting in a standard format ~~[reporting]~~ information as required
4-63 by this article.

4-64 (g) Any peace officer who is disciplined or terminated from
4-65 employment based on the data compiled under this article is
4-66 entitled to a hearing. The hearing shall be conducted by the State
4-67 Office of Administrative Hearings in the manner provided for a
4-68 contested case under Chapter 2001, Government Code. The
4-69 disciplinary or termination decision is binding during the pendency

5-1 of the appeal. This subsection does not apply to a peace officer
5-2 employed by a local law enforcement agency who is subject to a
5-3 separate formal grievance procedure for decisions relating to the
5-4 officer's employment.

5-5 SECTION 5. The heading to Article 2.135, Code of Criminal
5-6 Procedure, is amended to read as follows:

5-7 Art. 2.135. RETENTION OF RECORDS BASED ON MOTOR VEHICLE
5-8 STOP [~~EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT~~].

5-9 SECTION 6. Subsection (b), Article 2.135, Code of Criminal
5-10 Procedure, is amended to read as follows:

5-11 (b) Except as otherwise provided by this subsection, a law
5-12 enforcement agency [~~that is exempt from the requirements under~~
5-13 ~~Article 2.134~~] shall retain the video and audio or audio
5-14 documentation of each motor vehicle [~~traffic and pedestrian~~] stop
5-15 for at least 90 days after the date of the stop. If a complaint is
5-16 filed with the law enforcement agency alleging that a peace officer
5-17 employed by the agency has engaged in racial profiling with respect
5-18 to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall
5-19 retain the video and audio or audio record of the stop until final
5-20 disposition of the complaint. For purposes of this subsection,
5-21 "motor vehicle stop" means an occasion in which a peace officer
5-22 stops a motor vehicle for an alleged violation of a law or
5-23 ordinance.

5-24 SECTION 7. Chapter 2, Code of Criminal Procedure, is
5-25 amended by adding Articles 2.1385 and 2.1386 to read as follows:

5-26 Art. 2.1385. CIVIL PENALTY. (a) If a local law
5-27 enforcement agency fails to submit the incident-based data as
5-28 required by Article 2.134, the agency is liable to the state for a
5-29 civil penalty in the amount of \$1,000 for each violation. The
5-30 attorney general may sue to collect a civil penalty under this
5-31 subsection.

5-32 (b) From money appropriated to the agency for the
5-33 administration of the agency, the executive director of a state law
5-34 enforcement agency that fails to submit the incident-based data as
5-35 required by Article 2.134 shall remit to the comptroller the amount
5-36 of \$1,000 for each violation.

5-37 (c) Money collected under this article shall be deposited in
5-38 the state treasury to the credit of the general revenue fund.

5-39 Art. 2.1386. ADVISORY COMMITTEE. (a) In this article,
5-40 "advisory committee" means the Advisory Committee on Race, Crime,
5-41 and Justice.

5-42 (b) The advisory committee is composed of the presiding
5-43 officer of the senate committee having primary jurisdiction over
5-44 criminal justice issues or that officer's designee and the
5-45 presiding officer of the house of representatives committee having
5-46 primary jurisdiction over law enforcement issues or that officer's
5-47 designee.

5-48 (c) The advisory committee members described by Subsection
5-49 (b) shall seek additional members for the committee as follows:

- 5-50 (1) one representative from the Texas Municipal Police
5-51 Association;
- 5-52 (2) one representative from the Combined Law
5-53 Enforcement Associations of Texas;
- 5-54 (3) one representative from the Texas Police Chiefs
5-55 Association;
- 5-56 (4) one representative from the Sheriffs' Association
5-57 of Texas;
- 5-58 (5) one representative from the Department of Public
5-59 Safety;
- 5-60 (6) one representative from the Bill Blackwood Law
5-61 Enforcement Management Institute of Texas;
- 5-62 (7) one representative from the University of North
5-63 Texas System Center at Dallas;
- 5-64 (8) one representative from the Commission on Law
5-65 Enforcement Officer Standards and Education;
- 5-66 (9) one representative from the American Civil
5-67 Liberties Union;
- 5-68 (10) one representative from the National Association
5-69 for the Advancement of Colored People; and

6-1 (11) one representative from the League of United
 6-2 Latin American Citizens.

6-3 (d) The advisory committee shall meet biennially to study
 6-4 the issue of racial profiling to include data collection, analysis
 6-5 of data, law enforcement training, legislative changes, and other
 6-6 relevant issues.

6-7 (e) Not later than November 1 of each even-numbered year,
 6-8 the advisory committee shall submit to the legislature a report
 6-9 containing any proposals the committee recommends for legislation
 6-10 to address any perceived deficiencies in the current racial
 6-11 profiling laws.

6-12 (f) Members of the advisory committee are entitled to
 6-13 reimbursement of expenses in the manner provided by the General
 6-14 Appropriations Act.

6-15 SECTION 8. Subchapter A, Chapter 102, Code of Criminal
 6-16 Procedure, is amended by adding Article 102.022 to read as follows:

6-17 Art. 102.022. COSTS ON CONVICTION TO FUND INSTITUTE ON
 6-18 RACE, CRIME, AND JUSTICE. (a) In this article, "moving violation"
 6-19 means an offense that:

6-20 (1) involves the operation of a motor vehicle; and
 6-21 (2) is classified as a moving violation by the
 6-22 Department of Public Safety under Section 708.052, Transportation
 6-23 Code.

6-24 (b) A defendant convicted of a moving violation in a justice
 6-25 court, county court, county court at law, or municipal court shall
 6-26 pay a fee of 25 cents as a cost of court.

6-27 (c) In this article, a person is considered convicted if:

6-28 (1) a sentence is imposed on the person;
 6-29 (2) the person receives community supervision,
 6-30 including deferred adjudication; or

6-31 (3) the court defers final disposition of the person's
 6-32 case.

6-33 (d) The clerks of the respective courts shall collect the
 6-34 costs described by this article. The clerk shall keep separate
 6-35 records of the funds collected as costs under this article and shall
 6-36 deposit the funds in the county or municipal treasury, as
 6-37 appropriate.

6-38 (e) The custodian of a county or municipal treasury shall:

6-39 (1) keep records of the amount of funds on deposit
 6-40 collected under this article; and

6-41 (2) send to the comptroller before the last day of the
 6-42 first month following each calendar quarter the funds collected
 6-43 under this article during the preceding quarter.

6-44 (f) A county or municipality may retain 10 percent of the
 6-45 funds collected under this article by an officer of the county or
 6-46 municipality as a collection fee if the custodian of the county or
 6-47 municipal treasury complies with Subsection (e).

6-48 (g) If no funds due as costs under this article are
 6-49 deposited in a county or municipal treasury in a calendar quarter,
 6-50 the custodian of the treasury shall file the report required for the
 6-51 quarter in the regular manner and must state that no funds were
 6-52 collected.

6-53 (h) The comptroller shall deposit the funds received under
 6-54 this article to the credit of the Institute on Race, Crime, and
 6-55 Justice fund in the general revenue fund.

6-56 (i) Funds collected under this article are subject to audit
 6-57 by the comptroller.

6-58 SECTION 9. Section 102.061, Government Code, is amended to
 6-59 read as follows:

6-60 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
 6-61 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
 6-62 collect fees and costs on conviction of a defendant as follows:

6-63 (1) a jury fee (Art. 102.004, Code of Criminal
 6-64 Procedure) . . . \$20;

6-65 (2) a fee for services of the clerk of the court (Art.
 6-66 102.005, Code of Criminal Procedure) . . . \$40;

6-67 (3) a records management and preservation services fee
 6-68 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

6-69 (4) a security fee on a misdemeanor offense (Art.

7-1 102.017, Code of Criminal Procedure) . . . \$3;
 7-2 (5) a graffiti eradication fee (Art. 102.0171, Code of
 7-3 Criminal Procedure) . . . \$5;
 7-4 (5-a) a race, crime, and justice fee (Art. 102.022,
 7-5 Code of Criminal Procedure) . . . \$0.25; and
 7-6 (6) a court cost on conviction in Comal County (Sec.
 7-7 152.0522, Human Resources Code) . . . \$4.

7-8 SECTION 10. Section 102.081, Government Code, is amended to
 7-9 read as follows:

7-10 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
 7-11 COUNTY COURT. The clerk of a county court shall collect fees and
 7-12 costs on conviction of a defendant as follows:

- 7-13 (1) a jury fee (Art. 102.004, Code of Criminal
 7-14 Procedure) . . . \$20;
- 7-15 (2) a fee for clerk of the court services (Art.
 7-16 102.005, Code of Criminal Procedure) . . . \$40;
- 7-17 (3) a records management and preservation services fee
 7-18 (Art. 102.005, Code of Criminal Procedure) . . . \$20;
- 7-19 (4) a security fee on a misdemeanor offense (Art.
 7-20 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~
- 7-21 (5) a graffiti eradication fee (Art. 102.0171, Code of
 7-22 Criminal Procedure) . . . \$5; and
- 7-23 (6) a race, crime, and justice fee (Art. 102.022, Code
 7-24 of Criminal Procedure) . . . \$0.25.

7-25 SECTION 11. Section 102.101, Government Code, is amended to
 7-26 read as follows:

7-27 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
 7-28 JUSTICE COURT. A clerk of a justice court shall collect fees and
 7-29 costs on conviction of a defendant as follows:

- 7-30 (1) a jury fee (Art. 102.004, Code of Criminal
 7-31 Procedure) . . . \$3;
- 7-32 (2) a fee for withdrawing request for jury less than 24
 7-33 hours before time of trial (Art. 102.004, Code of Criminal
 7-34 Procedure) . . . \$3;
- 7-35 (3) a jury fee for two or more defendants tried jointly
 7-36 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
 7-37 \$3;
- 7-38 (4) a security fee on a misdemeanor offense (Art.
 7-39 102.017, Code of Criminal Procedure) . . . \$3;
- 7-40 (5) a fee for technology fund on a misdemeanor offense
 7-41 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;
- 7-42 (5-a) a race, crime, and justice fee (Art. 102.022,
 7-43 Code of Criminal Procedure) . . . \$0.25; and
- 7-44 (6) a court cost on conviction in Comal County (Sec.
 7-45 152.0522, Human Resources Code) . . . \$1.50.

7-46 SECTION 12. Section 102.121, Government Code, is amended to
 7-47 read as follows:

7-48 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN
 7-49 MUNICIPAL COURT. The clerk of a municipal court shall collect fees
 7-50 and costs on conviction of a defendant as follows:

- 7-51 (1) a jury fee (Art. 102.004, Code of Criminal
 7-52 Procedure) . . . \$3;
- 7-53 (2) a fee for withdrawing request for jury less than 24
 7-54 hours before time of trial (Art. 102.004, Code of Criminal
 7-55 Procedure) . . . \$3;
- 7-56 (3) a jury fee for two or more defendants tried jointly
 7-57 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
 7-58 \$3;
- 7-59 (4) a security fee on a misdemeanor offense (Art.
 7-60 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~
- 7-61 (5) a fee for technology fund on a misdemeanor offense
 7-62 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;
 7-63 and
- 7-64 (6) a race, crime, and justice fee (Art. 102.022, Code
 7-65 of Criminal Procedure) . . . \$0.25.

7-66 SECTION 13. The following statutes are repealed:

- 7-67 (1) Subsections (c) and (e), Article 2.132, Code of
 7-68 Criminal Procedure;
- 7-69 (2) Subsection (a), Article 2.134, Code of Criminal

8-1 Procedure; and
8-2 (3) Subsections (a) and (c), Article 2.135, Code of
8-3 Criminal Procedure.

8-4 SECTION 14. (a) The requirements of Articles 2.133 and
8-5 2.134, Code of Criminal Procedure, as amended by this Act, relating
8-6 to the compilation, analysis, and submission of incident-based data
8-7 apply only to information based on a motor vehicle stop occurring on
8-8 or after January 1, 2006.

8-9 (b) The Institute on Race, Crime, and Justice established
8-10 under Section 105.503, Education Code, as added by this Act, is
8-11 required to submit annual reports under Subdivision (1), Subsection
8-12 (f) of that section, beginning July 1, 2007.

8-13 (c) The imposition of a cost of court under Article 102.022,
8-14 Code of Criminal Procedure, as added by this Act, applies only to an
8-15 offense committed on or after the effective date of this Act. An
8-16 offense committed before the effective date of this Act is covered
8-17 by the law in effect when the offense was committed, and the former
8-18 law is continued in effect for that purpose. For purposes of this
8-19 section, an offense was committed before the effective date of this
8-20 Act if any element of the offense was committed before that date.

8-21 SECTION 15. This Act takes effect September 1, 2005.

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