

By: Ellis, Wentworth

S.B. No. 1704

A BILL TO BE ENTITLED

AN ACT

relating to jury service.

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

SECTION 1. Subsection (a), Section 61.001, Government Code, is amended to read as follows:

(a) Each grand juror or petit juror in a civil or criminal case in a district court, criminal district court, county court, county court at law, or justice court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day served as a juror; and

(2) not less than \$40 [~~not more than \$50~~] for each day or fraction of each day served as a juror after the first day.

SECTION 2. Chapter 61, Government Code, is amended by adding Section 61.0015 to read as follows:

Sec. 61.0015. REIMBURSEMENT TO COUNTY. (a) The state shall reimburse a county \$34 a day for the reimbursement paid to a grand juror or petit juror under Section 61.001 for each day or fraction of each day served as a juror after the first day.

(b) The commissioners court of a county entitled to reimbursement under this section may file a claim for reimbursement with the comptroller.

(c) The comptroller shall pay claims for reimbursement under this section quarterly to the county treasury of each county

1 that filed a claim from money collected under Article 102.0045,
2 Code of Criminal Procedure, and deposited in the judicial fund.

3 (d) If sufficient money described by Subsection (c) is not
4 available to satisfy the claims for reimbursement filed by the
5 counties under this section, the comptroller shall apportion the
6 available money among the counties by reducing the amount payable
7 to each county on an equal percentage basis.

8 (e) If a payment on a county's claim for reimbursement is
9 reduced under Subsection (d), or if a county fails to file the claim
10 for reimbursement in a timely manner, the comptroller shall:

11 (1) pay the balance owed to the county when sufficient
12 money described by Subsection (c) is available; or

13 (2) carry forward the balance owed to the county and
14 pay the balance to the county when the next payment is required.

15 SECTION 3. Section 62.0141, Government Code, is amended to
16 read as follows:

17 Sec. 62.0141. FAILURE TO ANSWER JURY SUMMONS. In addition
18 to any criminal penalty prescribed by law, a person summoned for
19 jury service who does not comply with the summons as required by law
20 or who knowingly provides false information in a request for an
21 exemption or to be excused from jury service is subject to a
22 contempt action punishable by a fine of not less than \$100 nor more
23 than \$1,000.

24 SECTION 4. Subchapter A, Chapter 62, Government Code, is
25 amended by adding Section 62.0142 to read as follows:

26 Sec. 62.0142. POSTPONEMENT OF JURY SERVICE. (a) A person
27 summoned for jury service may request a postponement of the

1 person's initial appearance for jury service. The person may
2 request the postponement by contacting the clerk of the court in
3 person, in writing, or by telephone before the date on which the
4 person is summoned to appear.

5 (b) On receipt of a request under Subsection (a), the clerk
6 of the court shall grant the person a postponement if:

7 (1) the person has not been granted a postponement in
8 that county during the one-year period preceding the date on which
9 the person is summoned to appear; and

10 (2) the person and the clerk determine a substitute
11 date on which the person will appear for jury service that is not
12 later than six months after the date on which the person was
13 originally summoned to appear.

14 (c) A person who receives a postponement under Subsection
15 (b) may request a subsequent postponement in the manner described
16 by Subsection (a). The clerk of the court may approve the
17 subsequent postponement only because of an extreme emergency that
18 could not have been anticipated, such as a death in the person's
19 family, sudden serious illness suffered by the person, or a natural
20 disaster or national emergency in which the person is personally
21 involved. Before the clerk may grant the subsequent postponement,
22 the person and the clerk must determine a substitute date on which
23 the person will appear for jury service that is not later than six
24 months after the date on which the person was to appear after the
25 postponement under Subsection (b).

26 SECTION 5. Subchapter A, Chapter 102, Code of Criminal
27 Procedure, is amended by adding Article 102.0045 to read as

1 follows:

2 Art. 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES.

3 (a) A person convicted of any offense, other than an offense
4 relating to a pedestrian or the parking of a motor vehicle, shall
5 pay as a court cost, in addition to all other costs, a fee of \$4 to
6 be used to reimburse counties for the cost of juror services as
7 provided by Section 61.0015, Government Code.

8 (b) The clerk of the court shall remit the fees collected
9 under this article to the comptroller in the manner provided by
10 Subchapter B, Chapter 133, Local Government Code. The comptroller
11 shall deposit the fees in the judicial fund.

12 SECTION 6. Section 102.021, Government Code, is amended to
13 read as follows:

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

16 (1) court costs on conviction of a felony (Sec.
17 133.102, Local Government Code) . . . \$133;

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

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

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

27 (5) court costs on certain convictions in certain

1 county courts (Sec. 51.703, Government Code) . . . \$15;

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

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

9 (8) fees for services of peace officer:

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

13 (B) executing or processing an issued arrest
14 warrant or capias (Art. 102.011, Code of Criminal
15 Procedure) . . . \$50;

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

18 (D) serving a writ not otherwise listed (Art.
19 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

27 (H) attendance of a prisoner in habeas corpus

- 1 case if prisoner has been remanded to custody or held to bail (Art.
2 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 3 (I) mileage for certain services performed (Art.
4 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 5 (J) services of a sheriff or constable who serves
6 process and attends examining trial in certain cases (Art. 102.011,
7 Code of Criminal Procedure) . . . not to exceed \$5;
- 8 (9) services of a peace officer in conveying a witness
9 outside the county (Art. 102.011, Code of Criminal
10 Procedure) . . . \$10 per day or part of a day, plus actual
11 necessary travel expenses;
- 12 (10) overtime of peace officer for time spent
13 testifying in the trial or traveling to or from testifying in the
14 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
15 cost;
- 16 (11) court costs on an offense relating to rules of the
17 road, when offense occurs within a school crossing zone (Art.
18 102.014, Code of Criminal Procedure) . . . \$25;
- 19 (12) court costs on an offense of passing a school bus
20 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 21 (13) court costs on an offense of truancy or
22 contributing to truancy (Art. 102.014, Code of Criminal
23 Procedure) . . . \$20;
- 24 (14) cost for visual recording of intoxication arrest
25 before conviction (Art. 102.018, Code of Criminal
26 Procedure) . . . \$15;
- 27 (15) cost of certain evaluations (Art. 102.018, Code

1 of Criminal Procedure) . . . actual cost;

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

6 (17) cost for DNA testing for certain felonies (Art.
7 102.020, Code of Criminal Procedure) . . . \$250;

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

11 (19) court cost on conviction of a misdemeanor under
12 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
13 Transportation Code) . . . \$3;

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

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

20 (22) court cost on conviction of any offense, other
21 than a conviction of an offense relating to a pedestrian or the
22 parking of a motor vehicle (Art. 102.0045, Code of Criminal
23 Procedure) . . . \$4.

24 SECTION 7. Section 133.003, Local Government Code, is
25 amended to read as follows:

26 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
27 following criminal fees:

1 (1) the consolidated fee imposed under Section
2 133.102;

3 (2) the time payment fee imposed under Section
4 133.103;

5 (3) fees for services of peace officers employed by
6 the state imposed under Article 102.011, Code of Criminal
7 Procedure, and forwarded to the comptroller as provided by Section
8 133.104;

9 (4) costs on conviction imposed in certain statutory
10 county courts under Section 51.702, Government Code, and deposited
11 in the judicial fund;

12 (5) costs on conviction imposed in certain county
13 courts under Section 51.703, Government Code, and deposited in the
14 judicial fund;

15 (6) the administrative fee for failure to appear or
16 failure to pay or satisfy a judgment imposed under Section 706.006,
17 Transportation Code; ~~and~~

18 (7) fines on conviction imposed under Section
19 621.506(g), Transportation Code; and

20 (8) the fee imposed under Article 102.0045, Code of
21 Criminal Procedure.

22 SECTION 8. Section 51.607, Government Code, does not apply
23 to court costs or fees imposed under this Act.

24 SECTION 9. (a) The changes in law made by Sections 3 and 4
25 of this Act apply only to a person summoned to appear for jury
26 service who is required to appear on or after September 1, 2005. A
27 person summoned to appear for jury service who is required to appear

1 before September 1, 2005, is governed by the law in effect on the
2 date the person is required to appear, and the former law is
3 continued in effect for that purpose.

4 (b) Article 102.0045, Code of Criminal Procedure, as added
5 by this Act, applies only to a defendant convicted of a criminal
6 offense that is committed on or after September 1, 2005. A
7 defendant convicted of a criminal offense that is committed before
8 September 1, 2005, is governed by the law in effect at the time the
9 offense was committed, and that law is continued in effect for that
10 purpose. For purposes of this section, an offense is committed
11 before September 1, 2005, if any element of the offense occurs
12 before that date.

13 SECTION 10. (a) Except as provided by Subsection (b) of
14 this section, this Act takes effect September 1, 2005.

15 (b) Sections 1 and 2 of this Act take effect January 1, 2006.