

By: Gattis

H.B. No. 1357

A BILL TO BE ENTITLED

1 AN ACT

2 relating to fees for the mileage necessary for a peace officer to  
3 perform certain services.

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

5 SECTION 1. Article 102.011(b), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (b) In addition to fees provided by Subsection (a) of this  
8 article, a defendant required to pay fees under this article shall  
9 also pay, at a rate equal to the state mileage reimbursement rate  
10 specified in the General Appropriations Act, the costs of the [29  
11 cents per mile for] mileage required of an officer to perform a  
12 service listed in this subsection and to return from performing  
13 that service. If the service provided is the execution of a writ  
14 and the writ is directed to two or more persons or the officer  
15 executes more than one writ in a case, the defendant is required to  
16 pay only mileage actually and necessarily traveled. In calculating  
17 mileage, the officer must use the railroad or the most practical  
18 route by private conveyance. The defendant shall also pay all  
19 necessary and reasonable expenses for meals and lodging incurred by  
20 the officer in the performance of services under this subsection,  
21 to the extent such expenses meet the requirements of Section  
22 611.001, Government Code. This subsection applies to:

23 (1) conveying a prisoner after conviction to the  
24 county jail;

1           (2) conveying a prisoner arrested on a warrant or  
2       capias issued in another county to the court or jail of the county;  
3       and

4           (3) traveling to execute criminal process, to summon  
5       or attach a witness, and to execute process not otherwise described  
6       by this article.

7           SECTION 2. The change in law made by this Act applies only  
8       to fees imposed for an offense committed on or after the effective  
9       date of this Act. Fees imposed for an offense committed before the  
10      effective date of this Act are covered by the law in effect when the  
11      offense was committed, and the former law is continued in effect for  
12      that purpose. For purposes of this section, an offense is committed  
13      before the effective date of this Act if any element of the offense  
14      occurs before that date.

15          SECTION 3. This Act takes effect September 1, 2007.