

By: Geren

H.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection of a fee from a person who sells a
3 product over the Internet in violation of certain offenses
4 involving theft or fraud.

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

6 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
7 Procedure, is amended by adding Article 102.0072 to read as
8 follows:

9 Art. 102.0072. FEE FOR CERTAIN CONDUCT VIOLATING THEFT OR
10 FRAUD OFFENSE. (a) A county attorney, district attorney, or
11 criminal district attorney may collect a fee from a person who sells
12 a product over the Internet in a manner that constitutes an offense
13 under Chapter 31 or 32, Penal Code, regardless of whether the
14 person is convicted of the offense.

15 (b) The county attorney, district attorney, or criminal
16 district attorney may collect the fee from any person who is a party
17 to the offense described by Subsection (a).

18 (c) The amount of the fee may not exceed \$75.

19 (d) Fees collected under this article are deposited in the
20 county treasury.

21 SECTION 2. Section 103.021, Government Code, is amended to
22 read as follows:

23 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
24 CIVIL CASES. An accused or defendant, or a party to a civil suit, as

1 applicable, shall pay the following fees and costs if ordered by the
2 court or otherwise required:

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

6 (2) cost of electronic monitoring as a condition of
7 release on personal bond (Art. 17.43, Code of Criminal Procedure)
8 . . . actual cost;

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

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

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

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

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

24 (8) family violence shelter center fee (Art. 42.12,
25 Code of Criminal Procedure) . . . not to exceed \$100;

26 (9) community supervision fee (Art. 42.12, Code of
27 Criminal Procedure) . . . not less than \$25 or more than \$60 per

1 month;

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

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

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

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

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

20 (15) an additional fee:

21 (A) as an administrative fee for requesting a
22 driving safety course or a course under the motorcycle operator
23 training and safety program for certain traffic offenses to cover
24 the cost of administering the article (Art. 45.0511(f)(1), Code of
25 Criminal Procedure) . . . not to exceed \$10; or

26 (B) for requesting a driving safety course or a
27 course under the motorcycle operator training and safety program

1 before the final disposition of the case (Art. 45.0511(f)(2), Code
2 of Criminal Procedure) . . . not to exceed the maximum amount of the
3 fine for the offense committed by the defendant;

4 (16) a request fee for teen court program (Art.
5 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

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

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

11 (19) certified mailing of notice of hearing date (Art.
12 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

13 (20) certified mailing of certified copies of an order
14 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
15 plus postage;

16 (20-a) a fee to defray the cost of notifying state
17 agencies of orders of expungement (Art. 45.0216, Code of Criminal
18 Procedure) . . . \$30 per application;

19 (20-b) a fee to defray the cost of notifying state
20 agencies of orders of expunction (Art. 45.055, Code of Criminal
21 Procedure) . . . \$30 per application;

22 (20-c) a fee to defray the cost of notifying state
23 agencies of orders of expungement (Sec. 106.12, Alcoholic Beverage
24 Code) . . . \$30 per application;

25 (20-d) a fee to defray the cost of notifying state
26 agencies of orders of expungement (Sec. 161.255, Health and Safety
27 Code) . . . \$30 per application;

1 (21) sight orders:

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

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

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

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

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

17 (21-a) fees collected for selling a product over the
18 Internet in a manner that constitutes an offense under Chapter 31 or
19 32, Penal Code (Art. 102.0072, Code of Criminal Procedure) . . . not
20 to exceed \$75;

21 (22) fees for a pretrial intervention program (Art.
22 102.012, Code of Criminal Procedure) . . . \$60 a month plus
23 expenses;

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

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

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

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

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

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

26 (31) a court reporter service fee if the courts have
27 official court reporters (Sec. 51.601, Government Code) . . . \$15;

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

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

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

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

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

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

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

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

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

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

27 (D) conducting any public sale ordered by the

1 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
2 and

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

6 (39) the costs of a criminal magistrate if the court
7 determines that the nonprevailing party is able to defray the
8 costs:

9 (A) in Bexar County (Sec. 54.913, Government
10 Code) . . . magistrate's fees;

11 (B) in Dallas County (Sec. 54.313, Government
12 Code) . . . magistrate's fees;

13 (C) in Lubbock County (Sec. 54.883, Government
14 Code) . . . magistrate's fees;

15 (D) in Tarrant County (Sec. 54.663, Government
16 Code) . . . magistrate's fees;

17 (E) in Travis County (Sec. 54.983, Government
18 Code) . . . magistrate's fees; and

19 (F) in Williamson County (Sec. 54.958,
20 Government Code) . . . expense of the magistrate; and

21 (40) a collection fee, if authorized by the
22 commissioners court of a county or the governing body of a
23 municipality, for certain debts and accounts receivable, including
24 unpaid fines, fees, court costs, forfeited bonds, and restitution
25 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
26 percent of an amount more than 60 days past due.

27 SECTION 3. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect when the offense was committed, and
4 the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

8 SECTION 4. This Act takes effect September 1, 2007.