

By: Martinez

H.B. No. 2784

A BILL TO BE ENTITLED

AN ACT

relating to a fee on conviction after a custodial arrest.

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

SECTION 1. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.106 to read as follows:

Sec. 133.106. CUSTODIAL ARREST FEE. (a) A person convicted of any offense after a custodial arrest by a county or municipal peace officer shall pay as a court cost, in addition to all other costs, a fee of \$25 to be used for law enforcement purposes.

(b) If the officer who arrested the defendant was a municipal peace officer and the defendant was convicted in a municipal court, the treasurer of the municipality shall deposit \$20 in the general fund of the municipality to be used for law enforcement purposes and remit the remainder of the fee to the county in which the arrest took place. The treasurer of the county shall deposit the remittance in the general fund of the county to be used for law enforcement purposes.

(c) If the officer who arrested the defendant was a municipal peace officer and the defendant was convicted in a justice, county, statutory county, or district court, the treasurer of the county shall deposit \$5 in the general fund of the county to be used for law enforcement purposes and remit the remainder of the fee to the municipality that employed the arresting officer. The

1 treasurer of the municipality shall deposit the remittance in the  
2 general fund of the municipality to be used for law enforcement  
3 purposes.

4 (d) If the officer who arrested the defendant was a county  
5 peace officer and the defendant was convicted in a justice, county,  
6 statutory county, or district court, the treasurer of the county  
7 shall deposit the fee in the general fund of the county to be used  
8 for law enforcement purposes.

9 SECTION 2. Subchapter B, Chapter 102, Government Code, is  
10 amended by adding Section 102.0211 to read as follows:

11 Sec. 102.0211. COURT COSTS ON CONVICTION. A person  
12 convicted of an offense shall pay, in addition to all other costs,  
13 court costs on conviction after a custodial arrest by a county or  
14 municipal peace officer (Sec. 133.106, Local Government  
15 Code) . . . \$25.

16 SECTION 3. The change in law made by this Act applies only  
17 to a custodial arrest that takes place on or after the effective  
18 date of this Act. An arrest that took place before the effective  
19 date of this Act is covered by the law in effect when the arrest took  
20 place, and the former law is continued in effect for that purpose.

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