

By: Gutierrez

H.B. No. 579

A BILL TO BE ENTITLED

AN ACT

relating to certain costs on conviction in certain intoxication and drug cases.

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

SECTION 1. Article 102.0178(a), Code of Criminal Procedure, is amended to read as follows:

(a) In addition to other costs on conviction imposed by this chapter, a person shall pay \$60 [~~\$50~~] as a court cost on conviction of an offense punishable as a Class B misdemeanor or any higher category of offense under:

(1) Chapter 49, Penal Code; or

(2) Chapter 481, Health and Safety Code.

SECTION 2. (a) Section 102.021, Government Code, is amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

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

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

3 (3) fees for services of peace officer:

4 (A) issuing a written notice to appear in court
5 for certain violations (Art. 102.011, Code of Criminal Procedure)
6 . . . \$5;

7 (B) executing or processing an issued arrest
8 warrant, ~~or~~ capias, or capias pro fine (Art. 102.011, Code of
9 Criminal Procedure) . . . \$50;

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

12 (D) serving a writ not otherwise listed (Art.
13 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

21 (H) attendance of a prisoner in habeas corpus
22 case if prisoner has been remanded to custody or held to bail (Art.
23 102.011, Code of Criminal Procedure) . . . \$8 each day;

24 (I) mileage for certain services performed (Art.
25 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

26 (J) services of a sheriff or constable who serves
27 process and attends examining trial in certain cases (Art. 102.011,

Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

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

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

1 (13) cost for DNA testing for certain felonies (Art.
2 102.020, Code of Criminal Procedure) . . . \$250;

3 (14) court cost on an offense of public lewdness or
4 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
5 \$50;

6 (15) if required by the court, a restitution fee for
7 costs incurred in collecting restitution installments and for the
8 compensation to victims of crime fund (Art. 42.037, Code of
9 Criminal Procedure) . . . \$12; ~~and~~

10 (16) if directed by the justice of the peace or
11 municipal court judge hearing the case, court costs on conviction
12 in a criminal action (Art. 45.041, Code of Criminal Procedure)
13 . . . part or all of the costs as directed by the judge; and

14 (17) costs attendant to convictions under Chapter 49,
15 Penal Code, and under Chapter 481, Health and Safety Code, to help
16 fund drug court programs established under Chapter 469, Health and
17 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

18 (b) Section 102.0215, Government Code, is repealed.

19 SECTION 3. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 covered by the law in effect when the offense was committed, and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense was committed before the effective date of
25 this Act if any element of the offense was committed before that
26 date.

27 SECTION 4. This Act takes effect September 1, 2009.