

By: Gutierrez, Moody, Hodge, Leibowitz

H.B. No. 666

A BILL TO BE ENTITLED

AN ACT

relating to certain court costs used to fund drug court programs.

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

SECTION 1. The heading to Article 102.0178, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0178. COURT COSTS; [~~ATTENDANT TO CERTAIN INTOXICATION AND~~] DRUG COURT PROGRAMS [~~CONVICTIONS~~].

SECTION 2. 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 \$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 22, 25, 28, 29, 30, 31, 32, 46, or 49, Penal Code; or

(2) Chapter 481, Health and Safety Code.

SECTION 3. (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           (1) court cost on conviction of any offense, other  
2 than a conviction of an offense relating to a pedestrian or the  
3 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
4 Procedure) . . . \$4;

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

7           (3) fees for services of peace officer:

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

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

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

16           (D) serving a writ not otherwise listed (Art.  
17 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

25           (H) attendance of a prisoner in habeas corpus  
26 case if prisoner has been remanded to custody or held to bail (Art.  
27 102.011, Code of Criminal Procedure) . . . \$8 each day;

1 (I) mileage for certain services performed (Art.  
2 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

3 (J) services of a sheriff or constable who serves  
4 process and attends examining trial in certain cases (Art. 102.011,  
5 Code of Criminal Procedure) . . . not to exceed \$5;

6 (4) services of a peace officer in conveying a witness  
7 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
8 \$10 per day or part of a day, plus actual necessary travel expenses;

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

12 (6) court costs on an offense relating to rules of the  
13 road, when offense occurs within a school crossing zone (Art.  
14 102.014, Code of Criminal Procedure) . . . \$25;

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

17 (8) court costs on an offense of truancy or  
18 contributing to truancy (Art. 102.014, Code of Criminal Procedure)  
19 . . . \$20;

20 (9) cost for visual recording of intoxication arrest  
21 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
22 \$15;

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

25 (11) additional costs attendant to certain  
26 intoxication convictions under Chapter 49, Penal Code, for  
27 emergency medical services, trauma facilities, and trauma care

1 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

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

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

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

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

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

18 (17) court costs for certain convictions under the  
19 Penal Code and under Chapter 481, Health and Safety Code, to help  
20 fund drug court programs established under Chapter 469, Health and  
21 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50.

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

23 SECTION 4. To the extent of any conflict, this Act prevails  
24 over another Act of the 81st Legislature, Regular Session, 2009,  
25 relating to nonsubstantive additions to and corrections in enacted  
26 codes.

27 SECTION 5. 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 covered by the law in effect when the offense was committed, and the  
4 former law is continued in effect for that purpose. For purposes of  
5 this section, an offense was committed before the effective date of  
6 this Act if any element of the offense occurred before that date.

7 SECTION 6. This Act takes effect September 1, 2009.