

By: Gonzalez Toureilles, Cook, Homer

H.B. No. 755

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the county and district court
3 technology fund; imposing a fee.

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

5 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
6 Procedure, is amended by adding Article 102.0169 to read as
7 follows:

8 Art. 102.0169. COURT COSTS; COUNTY AND DISTRICT COURT
9 TECHNOLOGY FUND. (a) A defendant convicted of a criminal offense in
10 a county court, statutory county court, or district court shall pay
11 a \$4 county and district court technology fee as a cost of court.

12 (b) In this article, a person is considered convicted if:

13 (1) a sentence is imposed on the person;

14 (2) the person receives community supervision,
15 including deferred adjudication; or

16 (3) the court defers final disposition of the person's
17 case.

18 (c) The clerks of the courts described by Subsection (a)
19 shall collect the costs and pay them to the county treasurer or to
20 any other official who discharges the duties commonly delegated to
21 the county treasurer, as appropriate, for deposit in a fund to be
22 known as the county and district court technology fund.

23 (d) A fund designated by this article may be used only to
24 finance:

1 (1) the cost of continuing education and training for
2 county court, statutory county court, or district court judges and
3 clerks regarding technological enhancements for those courts; and

4 (2) the purchase and maintenance of technological
5 enhancements for a county court, statutory county court, or
6 district court, including:

7 (A) computer systems;

8 (B) computer networks;

9 (C) computer hardware;

10 (D) computer software;

11 (E) imaging systems;

12 (F) electronic kiosks; and

13 (G) docket management systems.

14 (e) The county and district court technology fund shall be
15 administered by or under the direction of the commissioners court
16 of the county.

17 SECTION 2. (a) Section 102.041, Government Code, as
18 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
19 Regular Session, 2007, is amended to conform to the amendments made
20 by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
21 Session, 2007, to Section 102.041, Government Code, and is further
22 amended to read as follows:

23 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
24 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district
25 court shall collect fees and costs under the Code of Criminal
26 Procedure on conviction of a defendant as follows:

27 (1) a jury fee (Art. 102.004, Code of Criminal

1 Procedure) . . . \$20;

2 (2) a fee for clerk of the court services (Art.
3 102.005, Code of Criminal Procedure) . . . \$40;

4 (3) a records management and preservation services fee
5 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

6 (4) a county and district court technology fee (Art.
7 102.0169, Code of Criminal Procedure). . . \$4;

8 (5) a security fee on a felony offense (Art. 102.017,
9 Code of Criminal Procedure) . . . \$5;

10 (6) [~~5~~] a security fee on a misdemeanor offense
11 (Art. 102.017, Code of Criminal Procedure) . . . \$3; and

12 (7) [~~6~~] a juvenile delinquency prevention and
13 graffiti eradication fee (Art. 102.0171, Code of Criminal
14 Procedure) . . . \$50 [~~\$5~~].

15 (b) Section 102.041, Government Code, as amended by Chapter
16 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
17 2007, is repealed. Section 102.041, Government Code, as amended by
18 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
19 Session, 2007, to reorganize and renumber that section, continues
20 in effect as further amended by this section.

21 SECTION 3. (a) Section 102.061, Government Code, as
22 reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th
23 Legislature, Regular Session, 2007, is amended to conform to the
24 amendments made to Section 102.061, Government Code, by Chapter
25 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
26 2007, and is further amended to read as follows:

27 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN

1 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
2 statutory county court shall collect fees and costs under the Code
3 of Criminal Procedure on conviction of a defendant as follows:

4 (1) a jury fee (Art. 102.004, Code of Criminal
5 Procedure) . . . \$20;

6 (2) a fee for services of the clerk of the court (Art.
7 102.005, Code of Criminal Procedure) . . . \$40;

8 (3) a records management and preservation services fee
9 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

10 (4) a county and district court technology fee (Art.
11 102.0169, Code of Criminal Procedure). . . \$4;

12 (5) a security fee on a misdemeanor offense (Art.
13 102.017, Code of Criminal Procedure) . . . \$3;

14 (6) [~~5~~] a juvenile delinquency prevention and
15 graffiti eradication fee (Art. 102.0171, Code of Criminal
16 Procedure) . . . \$50 [~~\$5~~]; and

17 (7) [~~6~~] a juvenile case manager fee (Art. 102.0174,
18 Code of Criminal Procedure) . . . not to exceed \$5.

19 (b) Section 102.061, Government Code, as amended by Chapter
20 1053, Acts of the 80th Legislature, Regular Session, 2007, is
21 repealed. Section 102.061, Government Code, as reenacted and
22 amended by Chapter 921, Acts of the 80th Legislature, Regular
23 Session, 2007, to reorganize and renumber that section, continues
24 in effect as further amended by this section.

25 SECTION 4. (a) Section 102.081, Government Code, as
26 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
27 Regular Session, 2007, is amended to conform to the amendments made

1 to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),
2 Acts of the 80th Legislature, Regular Session, 2007, and is further
3 amended to read as follows:

4 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
5 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
6 court shall collect fees and costs under the Code of Criminal
7 Procedure on conviction of a defendant as follows:

8 (1) a jury fee (Art. 102.004, Code of Criminal
9 Procedure) . . . \$20;

10 (2) a fee for clerk of the court services (Art.
11 102.005, Code of Criminal Procedure) . . . \$40;

12 (3) a records management and preservation services fee
13 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

14 (4) a county and district court technology fee (Art.
15 102.0169, Code of Criminal Procedure). . . \$4;

16 (5) a security fee on a misdemeanor offense (Art.
17 102.017, Code of Criminal Procedure) . . . \$3;

18 (6) [~~(5)~~] a juvenile delinquency prevention and
19 graffiti eradication fee (Art. 102.0171, Code of Criminal
20 Procedure) . . . \$50 [~~\$5~~]; and

21 (7) [~~(6)~~] a juvenile case manager fee (Art. 102.0174,
22 Code of Criminal Procedure) . . . not to exceed \$5.

23 (b) Section 102.081, Government Code, as amended by Chapter
24 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
25 2007, is repealed. Section 102.081, Government Code, as amended by
26 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
27 Session, 2007, to reorganize and renumber that section, continues

1 in effect as further amended by this section.

2 SECTION 5. The change in law made by this Act applies only
3 to a cost on conviction for an offense committed on or after the
4 effective date of this Act. A cost on conviction for an offense
5 committed before the effective date of this Act is covered by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

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