

By: Brown of Kaufman

H.B. No. 985

Substitute the following for H.B. No. 985:

By: Merritt

C.S.H.B. No. 985

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a memorial sign account, the imposition of a memorial sign fee on certain defendants, and the posting of memorial signs for certain victims of alcohol or controlled substance related vehicle accidents.

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

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0184 to read as follows:

Art. 102.0184. ADDITIONAL COSTS ATTENDANT TO INTOXICATION CONVICTIONS: MEMORIAL SIGNS. (a) In addition to other costs on conviction imposed by this chapter, a person convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, that involved the operating of a motor vehicle and resulted in the death of another person shall pay a memorial sign fee not to exceed \$300 as a court cost on conviction of the offense.

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

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

(2) the person is placed on community supervision.

(c) A clerk of the court shall collect the costs and pay them to the comptroller for deposit to the credit of the memorial sign account established under Section 201.9095, Transportation Code.

SECTION 2. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.9095 to read as follows:

1 Sec. 201.9095. MEMORIAL SIGN ACCOUNT. The memorial sign
2 account is created as a dedicated account in the general revenue
3 fund of the state treasury. Money in the account may be
4 appropriated only to the Texas Department of Transportation to pay
5 costs incurred in posting memorial signs under Section 201.909.

6 SECTION 3. (a) Section 102.021, Government Code, is
7 amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th
8 Legislature, Regular Session, 2007, and is further amended to read
9 as follows:

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

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

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

20 (3) fees for services of peace officer:

21 (A) issuing a written notice to appear in court
22 for certain violations (Art. 102.011, Code of Criminal Procedure)
23 . . . \$5;

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

27 (C) summoning a witness (Art. 102.011, Code of

1 Criminal Procedure) . . . \$5;
2 (D) serving a writ not otherwise listed (Art.
3 102.011, Code of Criminal Procedure) . . . \$35;
4 (E) taking and approving a bond and, if
5 necessary, returning the bond to courthouse (Art. 102.011, Code of
6 Criminal Procedure) . . . \$10;
7 (F) commitment or release (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;
9 (G) summoning a jury (Art. 102.011, Code of
10 Criminal Procedure) . . . \$5;
11 (H) attendance of a prisoner in habeas corpus
12 case if prisoner has been remanded to custody or held to bail (Art.
13 102.011, Code of Criminal Procedure) . . . \$8 each day;
14 (I) mileage for certain services performed (Art.
15 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
16 (J) services of a sheriff or constable who serves
17 process and attends examining trial in certain cases (Art. 102.011,
18 Code of Criminal Procedure) . . . not to exceed \$5;
19 (4) services of a peace officer in conveying a witness
20 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
21 \$10 per day or part of a day, plus actual necessary travel expenses;
22 (5) overtime of peace officer for time spent
23 testifying in the trial or traveling to or from testifying in the
24 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
25 (6) court costs on an offense relating to rules of the
26 road, when offense occurs within a school crossing zone (Art.
27 102.014, 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;

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

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

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

(16) if directed by the justice of the peace or

1 municipal court judge hearing the case, court costs on conviction
2 in a criminal action (Art. 45.041, Code of Criminal Procedure)
3 . . . part or all of the costs as directed by the judge;

4 (17) costs attendant to convictions under Chapter 49,
5 Penal Code, and under Chapter 481, Health and Safety Code, to help
6 fund drug court programs established under Chapter 469, Health and
7 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50;
8 and

9 (18) costs attendant to convictions of certain
10 offenses under Chapter 49, Penal Code, for the memorial sign
11 program under Section 201.909, Transportation Code (Art. 102.0184,
12 Code of Criminal Procedure) . . . not to exceed \$300.

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

14 SECTION 4. The Texas Department of Transportation by rule
15 shall ensure that a memorial sign posted under Section 201.909,
16 Transportation Code, is released at the end of the one-year posting
17 period to the person who requested the posting under Subsection (d)
18 of that section, regardless of whether the person was required to
19 submit a fee to help defray the costs of posting.

20 SECTION 5. Article 102.0184, Code of Criminal Procedure, as
21 added by this Act, applies only to a cost on conviction for an
22 offense committed on or after the effective date of this Act. An
23 offense committed before the effective date of this Act is covered
24 by the law in effect when the offense was committed, and the former
25 law is continued in effect for that purpose. For purposes of this
26 section, an offense was committed before the effective date of this
27 Act if any element of the offense was committed before that date.

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