

By: Brown of Kaufman

H.B. No. 985

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

10 Art. 102.0184. ADDITIONAL COSTS ATTENDANT TO INTOXICATION
11 CONVICTIONS: MEMORIAL SIGNS. (a) In addition to other costs on
12 conviction imposed by this chapter, a person convicted of an
13 offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,
14 that involved the operating of a motor vehicle and resulted in the
15 death of another person shall pay a memorial sign fee not to exceed
16 \$300 as a court cost on conviction of the offense.

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

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

19 (2) the person is placed on community supervision,
20 including deferred adjudication community supervision; or

21 (3) the court defers final disposition of the person's
22 case.

23 (c) A clerk of the court shall collect the costs and pay them
24 to the comptroller for deposit to the credit of the memorial sign

1 account established under Section 201.9095, Transportation Code.

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

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

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

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

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

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

23 (3) fees for services of peace officer:

24 (A) issuing a written notice to appear in court
25 for certain violations (Art. 102.011, Code of Criminal Procedure)
26 . . . \$5;

27 (B) executing or processing an issued arrest

1 warrant, ~~or~~ capias, or capias pro fine (Art. 102.011, Code of
2 Criminal Procedure) . . . \$50;

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

5 (D) serving a writ not otherwise listed (Art.
6 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

14 (H) attendance of a prisoner in habeas corpus
15 case if prisoner has been remanded to custody or held to bail (Art.
16 102.011, Code of Criminal Procedure) . . . \$8 each day;

17 (I) mileage for certain services performed (Art.
18 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

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

22 (4) services of a peace officer in conveying a witness
23 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
24 \$10 per day or part of a day, plus actual necessary travel expenses;

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

1 (6) court costs on an offense relating to rules of the
2 road, when offense occurs within a school crossing zone (Art.
3 102.014, Code of Criminal Procedure) . . . \$25;

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

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

9 (9) cost for visual recording of intoxication arrest
10 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
11 \$15;

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

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

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

21 (13) cost for DNA testing for certain felonies (Art.
22 102.020, Code of Criminal Procedure) . . . \$250;

23 (14) court cost on an offense of public lewdness or
24 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
25 \$50;

26 (15) if required by the court, a restitution fee for
27 costs incurred in collecting restitution installments and for the

1 compensation to victims of crime fund (Art. 42.037, Code of
2 Criminal Procedure) . . . \$12; [~~and~~]

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

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

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

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

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

23 SECTION 5. Article 102.0184, Code of Criminal Procedure, as
24 added by this Act, applies only to a cost on conviction for an
25 offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is covered
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense was committed before that date.

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