

By: Eiland

H.B. No. 1284

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a court record preservation fund;
imposing a fee.

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 102.0051 to read as
follows:

Art. 102.0051. COURT COSTS; COURT RECORD PRESERVATION FUND.

(a) A defendant convicted of a criminal offense in a county court,
statutory county court, or district court shall pay a court record
preservation fee not to exceed \$10 as a cost of court.

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

(1) a sentence is imposed on the person;

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

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

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

(d) A fund designated by this article may be used only to
digitize court records and preserve the records from natural

1 disasters.

2 (e) The court record preservation fund shall be
3 administered by or under the direction of the commissioners court
4 of the county.

5 SECTION 2. Subchapter C, Chapter 102, Government Code, is
6 amended by adding Section 102.0411 to read as follows:

7 Sec. 102.0411. COURT RECORD PRESERVATION FEE ON CONVICTION
8 IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
9 district court shall collect from a defendant a court record
10 preservation fee not to exceed \$10 under Article 102.0051, Code of
11 Criminal Procedure, on conviction.

12 SECTION 3. Subchapter D, Chapter 102, Government Code, is
13 amended by adding Section 102.0611 to read as follows:

14 Sec. 102.0611. COURT RECORD PRESERVATION FEE ON CONVICTION
15 IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk
16 of a statutory county court shall collect from a defendant a court
17 record preservation fee not to exceed \$10 under Article 102.0051,
18 Code of Criminal Procedure, on conviction.

19 SECTION 4. Subchapter E, Chapter 102, Government Code, is
20 amended by adding Section 102.0811 to read as follows:

21 Sec. 102.0811. COURT RECORD PRESERVATION FEE ON CONVICTION
22 IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
23 court shall collect from a defendant a court record preservation
24 fee not to exceed \$10 under Article 102.0051, Code of Criminal
25 Procedure, on conviction.

26 SECTION 5. The change in law made by this Act applies only
27 to a cost on conviction for an offense committed on or after the

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

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