

By: Bolton, Maldonado

H.B. No. 1531

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of the fee paid by a defendant for a peace
3 officer's services in executing or processing an arrest warrant,
4 *capias*, or *capias pro fine*.

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

6 SECTION 1. Article 102.011(a), Code of Criminal Procedure,
7 as amended by Sections 20 and 21, Chapter 1263, Acts of the 80th
8 Legislature, Regular Session, 2007, is reenacted and amended to
9 read as follows:

10 (a) A defendant convicted of a felony or a misdemeanor shall
11 pay the following fees for services performed in the case by a peace
12 officer:

13 (1) \$5 for issuing a written notice to appear in court
14 following the defendant's violation of a traffic law, municipal
15 ordinance, or penal law of this state, or for making an arrest
16 without a warrant;

17 (2) \$75 [~~\$50~~] for executing or processing an issued
18 arrest warrant, *capias*, or *capias pro fine* with the fee imposed for
19 the services of:

20 (A) the law enforcement agency that executed the
21 arrest warrant or *capias*, if the agency requests of the court, not
22 later than the 15th day after the date of the execution of the
23 arrest warrant or *capias*, the imposition of the fee on conviction;
24 or

1 (B) the law enforcement agency that processed the
2 arrest warrant or capias, if:

3 (i) the arrest warrant or capias was not
4 executed; or

5 (ii) the executing law enforcement agency
6 failed to request the fee within the period required by Paragraph
7 (A) of this subdivision;

8 (3) \$5 for summoning a witness;

9 (4) \$35 for serving a writ not otherwise listed in this
10 article;

11 (5) \$10 for taking and approving a bond and, if
12 necessary, returning the bond to the courthouse;

13 (6) \$5 for commitment or release;

14 (7) \$5 for summoning a jury, if a jury is summoned;
15 and

16 (8) \$8 for each day's attendance of a prisoner in a
17 habeas corpus case if the prisoner has been remanded to custody or
18 held to bail.

19 SECTION 2. The change in law made by this Act applies only
20 to a fee imposed for the execution or processing of a warrant,
21 capias, or capias pro fine issued for an offense committed on or
22 after the effective date of this Act. A fee imposed for the
23 execution or processing of a warrant, capias, or capias pro fine
24 issued for an offense committed before the effective date of this
25 Act is covered by the law in effect when the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense was
2 committed before that date.

3 SECTION 3. This Act takes effect September 1, 2009.