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

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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

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.