

By: Leibowitz

H.B. No. 1753

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the criminal penalties and civil consequences for
3 defendants convicted of an offense of graffiti and for juveniles
4 adjudicated as having engaged in conduct involving graffiti.

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

6 SECTION 1. Article 102.0171(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) A defendant convicted of an offense under Section 28.08,
9 Penal Code, in a county court, county court at law, or district
10 court shall pay a \$100 [~~\$50~~] juvenile delinquency prevention and
11 graffiti eradication fee as a cost of court.

12 SECTION 2. Section 54.046, Family Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) If on at least one previous occasion the child has been
15 adjudicated as having engaged in conduct in violation of Section
16 28.08, Penal Code, for which the child was placed on probation under
17 Section 54.04(d), in addition to other conditions of probation, the
18 court shall order the child to perform not less than 100 hours of
19 community service.

20 SECTION 3. Section 54.0461(a), Family Code, is amended to
21 read as follows:

22 (a) If a child is adjudicated as having engaged in
23 delinquent conduct that violates Section 28.08, Penal Code, the
24 juvenile court shall order the child, parent, or other person

1 responsible for the child's support to pay to the court a \$100 [~~\$50~~]
2 juvenile delinquency prevention fee as a cost of court.

3 SECTION 4. Section 102.041, Government Code, as amended by
4 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
5 Session, 2007, is amended to read as follows:

6 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
7 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
8 district court shall collect fees and costs under the Code of
9 Criminal Procedure on conviction of a defendant as follows:

10 (1) a jury fee (Art. 102.004, Code of Criminal
11 Procedure) . . . \$20;

12 (2) a fee for clerk of the court services (Art.
13 102.005, Code of Criminal Procedure) . . . \$40;

14 (3) a records management and preservation services fee
15 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

16 (4) a security fee on a felony offense (Art. 102.017,
17 Code of Criminal Procedure) . . . \$5;

18 (5) a security fee on a misdemeanor offense (Art.
19 102.017, Code of Criminal Procedure) . . . \$3; and

20 (6) a juvenile delinquency prevention and graffiti
21 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
22 \$100 [~~\$5~~].

23 SECTION 5. Section 102.061, Government Code, as amended by
24 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
25 Session, 2007, is amended to read as follows:

26 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
27 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a

1 statutory county court shall collect fees and costs under the Code
2 of Criminal Procedure on conviction of a defendant as follows:

3 (1) a jury fee (Art. 102.004, Code of Criminal
4 Procedure) . . . \$20;

5 (2) a fee for services of the clerk of the court (Art.
6 102.005, Code of Criminal Procedure) . . . \$40;

7 (3) a records management and preservation services fee
8 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

9 (4) a security fee on a misdemeanor offense (Art.
10 102.017, Code of Criminal Procedure) . . . \$3;

11 (5) a juvenile delinquency prevention and graffiti
12 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
13 \$100 [~~\$5~~]; and

14 (6) a juvenile case manager fee (Art. 102.0174, Code
15 of Criminal Procedure) . . . not to exceed \$5.

16 SECTION 6. Section 102.081, Government Code, as amended by
17 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
18 Session, 2007, is amended to read as follows:

19 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
20 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
21 court shall collect fees and costs under the Code of Criminal
22 Procedure on conviction of a defendant as follows:

23 (1) a jury fee (Art. 102.004, Code of Criminal
24 Procedure) . . . \$20;

25 (2) a fee for clerk of the court services (Art.
26 102.005, Code of Criminal Procedure) . . . \$40;

27 (3) a records management and preservation services fee

1 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

2 (4) a security fee on a misdemeanor offense (Art.
3 102.017, Code of Criminal Procedure) . . . \$3;

4 (5) a juvenile delinquency prevention and graffiti
5 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
6 \$100 [~~\$5~~]; and

7 (6) a juvenile case manager fee (Art. 102.0174, Code
8 of Criminal Procedure) . . . not to exceed \$5.

9 SECTION 7. Section 103.0212, Government Code, is amended to
10 read as follows:

11 Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
12 CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a
13 civil suit, as applicable, shall pay the following fees and costs
14 under the Family Code if ordered by the court or otherwise required:

15 (1) in family matters:

16 (A) issuing writ of withholding (Sec. 8.262,
17 Family Code) . . . \$15;

18 (B) filing copy of writ of withholding to
19 subsequent employer (Sec. 8.267, Family Code) . . . \$15;

20 (C) issuing and delivering modified writ of
21 withholding or notice of termination (Sec. 8.302, Family Code)
22 . . . \$15;

23 (D) issuing and delivering notice of termination
24 of withholding (Sec. 8.303, Family Code) . . . \$15;

25 (E) issuance of change of name certificate (Sec.
26 45.106, Family Code) . . . \$10;

27 (F) protective order fee (Sec. 81.003, Family

1 Code) . . . \$16;
2 (G) filing suit requesting adoption of child
3 (Sec. 108.006, Family Code) . . . \$15;
4 (H) filing fees for suits affecting parent-child
5 relationship (Sec. 110.002, Family Code):
6 (i) suit or motion for modification (Sec.
7 110.002, Family Code) . . . \$15;
8 (ii) motion for enforcement (Sec. 110.002,
9 Family Code) . . . \$15;
10 (iii) notice of application for judicial
11 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
12 (iv) motion to transfer (Sec. 110.002,
13 Family Code) . . . \$15;
14 (v) petition for license suspension (Sec.
15 110.002, Family Code) . . . \$15;
16 (vi) motion to revoke a stay of license
17 suspension (Sec. 110.002, Family Code) . . . \$15; and
18 (vii) motion for contempt (Sec. 110.002,
19 Family Code) . . . \$15;
20 (I) order or writ of income withholding to be
21 delivered to employer (Sec. 110.004, Family Code) . . . not to
22 exceed \$15;
23 (J) filing fee for transferred case (Sec.
24 110.005, Family Code) . . . \$45;
25 (K) filing a writ of withholding (Sec. 158.319,
26 Family Code) . . . \$15;
27 (L) filing a request for modified writ of

1 withholding or notice of termination (Sec. 158.403, Family Code)
2 . . . not to exceed \$15;

3 (M) filing an administrative writ to employer
4 (Sec. 158.503, Family Code) . . . not to exceed \$15; and

5 (N) genetic testing fees in relation to a child
6 born to a gestational mother (Sec. 160.762, Family Code) . . . as
7 assessed by the court; and

8 (2) in juvenile court:

9 (A) fee schedule for deferred prosecution
10 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

11 (B) a teen court administration fee (Sec. 54.032,
12 Family Code) . . . not to exceed \$10;

13 (C) court costs for juvenile probation diversion
14 fund (Sec. 54.0411, Family Code) . . . \$20;

15 (D) a juvenile delinquency prevention fee (Sec.
16 54.0461, Family Code) . . . \$100 [~~\$5~~]; and

17 (E) a court fee for child's probationary period
18 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month.

19 SECTION 8. Sections 28.08(b) and (d), Penal Code, are
20 amended to read as follows:

21 (b) Except as provided by Subsection (d), an offense under
22 this section is:

23 (1) a Class A [~~B~~] misdemeanor if the amount of
24 pecuniary loss is less than \$500;

25 (2) a state jail felony [~~Class A misdemeanor~~] if the
26 amount of pecuniary loss is \$500 or more but less than \$1,500;

27 (3) a felony of the third degree [~~state jail felony~~] if

1 the amount of pecuniary loss is \$1,500 or more but less than
2 \$20,000;

3 (4) a felony of the second [~~third~~] degree if the amount
4 of pecuniary loss is \$20,000 or more but less than \$100,000; or

5 (5) a felony of the first [~~second~~] degree if the amount
6 of pecuniary loss is \$100,000 or more [~~but less than \$200,000; or~~

7 [~~(6) a felony of the first degree if the amount of~~
8 ~~pecuniary loss is \$200,000 or more]~~.

9 (d) An offense under this section is a [~~state jail~~] felony
10 of the third degree if:

11 (1) the marking is made on a school, an institution of
12 higher education, a place of worship or human burial, a public
13 monument, or a community center that provides medical, social, or
14 educational programs; and

15 (2) the amount of the pecuniary loss to real property
16 or to tangible personal property is less than \$20,000.

17 SECTION 9. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense was committed before that
24 date.

25 SECTION 10. This Act takes effect September 1, 2009.