

By: Edwards

H.B. No. 2158

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of a cost on conviction to pay expenses related to DNA collection or analysis.

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

SECTION 1. Article 102.020(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person shall pay [~~\$250~~] as a court cost \$60 on conviction of a felony [~~an~~] offense [~~listed in Section 411.1471(a)(1), Government Code,~~] and \$30 [~~\$50 as a court cost~~] on conviction of a misdemeanor offense if:

(1) the person's DNA was analyzed as part of the investigation of the offense; or

(2) after the person's arrest for the offense, the person was required under other law in relation to that offense to provide to a law enforcement agency one or more specimens for the purpose of creating a DNA record under Subchapter G, Chapter 411, Government Code [~~an offense listed in Section 411.1471(a)(3) of that code~~].

SECTION 2. (a) Section 102.021, Government Code, is amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following

1 under the Code of Criminal Procedure, in addition to all other  
2 costs:

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

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

9 (3) fees for services of peace officer:

10 (A) issuing a written notice to appear in court  
11 for certain violations (Art. 102.011, Code of Criminal Procedure)  
12 . . . \$5;

13 (B) executing or processing an issued arrest  
14 warrant, ~~or~~ capias, or capias pro fine (Art. 102.011, Code of  
15 Criminal Procedure) . . . \$50;

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

18 (D) serving a writ not otherwise listed (Art.  
19 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

27 (H) attendance of a prisoner in habeas corpus

1 case if prisoner has been remanded to custody or held to bail (Art.  
2 102.011, Code of Criminal Procedure) . . . \$8 each day;

3 (I) mileage for certain services performed (Art.  
4 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

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

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

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

14 (6) court costs on an offense relating to rules of the  
15 road, when offense occurs within a school crossing zone (Art.  
16 102.014, Code of Criminal Procedure) . . . \$25;

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

19 (8) court costs on an offense of truancy or  
20 contributing to truancy (Art. 102.014, Code of Criminal Procedure)  
21 . . . \$20;

22 (9) cost for visual recording of intoxication arrest  
23 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
24 \$15;

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

27 (11) additional costs attendant to certain

1 intoxication convictions under Chapter 49, Penal Code, for  
2 emergency medical services, trauma facilities, and trauma care  
3 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

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

7 (13) cost for DNA testing for certain felonies (Art.  
8 102.020, Code of Criminal Procedure) . . . \$60 [~~\$250~~];

9 (14) cost for DNA testing for certain misdemeanors  
10 (Art. 102.020, Code of Criminal Procedure) . . . \$30 [~~court cost on~~  
11 ~~an offense of public lewdness or indecent exposure (Art. 102.020,~~  
12 ~~Code of Criminal Procedure) . . . \$50~~];

13 (15) if required by the court, a restitution fee for  
14 costs incurred in collecting restitution installments and for the  
15 compensation to victims of crime fund (Art. 42.037, Code of  
16 Criminal Procedure) . . . \$12; [~~and~~]

17 (16) if directed by the justice of the peace or  
18 municipal court judge hearing the case, court costs on conviction  
19 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
20 . . . part or all of the costs as directed by the judge; and

21 (17) costs attendant to convictions under Chapter 49,  
22 Penal Code, and under Chapter 481, Health and Safety Code, to help  
23 fund drug court programs established under Chapter 469, Health and  
24 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50.

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

26 SECTION 3. The change in law made by this Act applies only  
27 to an offense committed on or after the effective date of this Act.

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

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