

By: Gonzales

H.B. No. 4190

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to court costs imposed on conviction and deposited to the  
3 appropriate courthouse security fund or court building security  
4 fund.

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

6 SECTION 1. Articles 102.017(a) and (b), Code of Criminal  
7 Procedure, are amended to read as follows:

8 (a) A defendant convicted of a felony offense in a district  
9 court shall pay a \$10 [~~\$5~~] security fee as a cost of court.

10 (b) A defendant convicted of a misdemeanor offense in a  
11 county court, county court at law, or district court shall pay an \$8  
12 [~~a \$3~~] security fee as a cost of court. A defendant convicted of a  
13 misdemeanor offense in a justice court shall pay a \$9 [~~\$4~~] security  
14 fee as a cost of court. The governing body of a municipality by  
15 ordinance may create a municipal court building security fund and  
16 may require a defendant convicted of a misdemeanor offense in a  
17 municipal court to pay an \$8 [~~a \$3~~] security fee as a cost of court.

18 SECTION 2. (a) Section 102.041, Government Code, as  
19 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,  
20 Regular Session, 2007, is amended to conform to the amendments made  
21 by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular  
22 Session, 2007, to Section 102.041, Government Code, to read as  
23 follows:

24 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN

1 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district  
2 court shall collect fees and costs under the Code of Criminal  
3 Procedure on conviction of a defendant as follows:

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

6 (2) a fee for clerk of the court services (Art.  
7 102.005, Code of Criminal Procedure) . . . \$40;

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

10 (4) a security fee on a felony offense (Art. 102.017,  
11 Code of Criminal Procedure) . . . \$10 [~~\$5~~];

12 (5) a security fee on a misdemeanor offense (Art.  
13 102.017, Code of Criminal Procedure) . . . \$8 [~~\$3~~]; and

14 (6) a juvenile delinquency prevention and graffiti  
15 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .  
16 \$50 [~~\$5~~].

17 (b) Section 102.041, Government Code, as amended by Chapter  
18 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,  
19 2007, is repealed. Section 102.041, Government Code, as amended by  
20 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular  
21 Session, 2007, to reorganize and renumber that section, continues  
22 in effect as further amended by this section.

23 SECTION 3. Section 102.101, Government Code, is amended to  
24 read as follows:

25 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN  
26 JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice  
27 court shall collect fees and costs under the Code of Criminal

1 Procedure on conviction of a defendant as follows:

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

4 (2) a fee for withdrawing request for jury less than 24  
5 hours before time of trial (Art. 102.004, Code of Criminal  
6 Procedure) . . . \$3;

7 (3) a jury fee for two or more defendants tried jointly  
8 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of  
9 \$3;

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

12 (5) a fee for technology fund on a misdemeanor offense  
13 (Art. 102.0173, Code of Criminal Procedure) . . . \$4;

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

16 (7) a fee on conviction of certain offenses involving  
17 issuing or passing a subsequently dishonored check (Art. 102.0071,  
18 Code of Criminal Procedure) . . . not to exceed \$30; and

19 (8) a court cost on conviction of a Class C misdemeanor  
20 in a county with a population of 3.3 million or more, if authorized  
21 by the county commissioners court (Art. 102.009, Code of Criminal  
22 Procedure) . . . not to exceed \$7.

23 SECTION 4. Section 102.121, Government Code, is amended to  
24 read as follows:

25 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN  
26 MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a  
27 municipal court shall collect fees and costs on conviction of a

1 defendant as follows:

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

4 (2) a fee for withdrawing request for jury less than 24  
5 hours before time of trial (Art. 102.004, Code of Criminal  
6 Procedure) . . . \$3;

7 (3) a jury fee for two or more defendants tried jointly  
8 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of  
9 \$3;

10 (4) a security fee on a misdemeanor offense  
11 (Art. 102.017, Code of Criminal Procedure) . . . \$8 [~~\$3~~];

12 (5) a fee for technology fund on a misdemeanor offense  
13 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;  
14 and

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

17 SECTION 5. The change in law made by this Act applies only  
18 to court costs imposed on conviction of an offense committed on or  
19 after the effective date of this Act. For purposes of this section,  
20 an offense is committed before the effective date of this Act if any  
21 element of the offense occurs before that date. Court costs imposed  
22 on conviction of an offense committed before the effective date of  
23 this Act are governed by the law in effect on the date the offense  
24 was committed, and the former law is continued in effect for that  
25 purpose.

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