

Suspending limitations on conference committee  
jurisdiction, H.B. No. 1506 (Herrero/Hinojosa)

By: Herrero

H.R. No. 2951

R E S O L U T I O N

BE IT RESOLVED by the House of Representatives of the State of Texas, 81st Legislature, Regular Session, 2009, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on House Bill 1506 (the imposition of conditions on certain defendants charged with an offense involving family violence) to consider and take action on the following matter:

House Rule 13, Sections 9(a)(2), (3), and (4), are suspended to permit the committee to omit Subsection (h), Article 17.49, Code of Criminal Procedure, as added by the senate and house versions of the bill, and to add new Subsections (h) and (i), Article 17.49, Code of Criminal Procedure, to read as follows:

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay costs under Subsection (b)(2) or (3) in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the defendant or providing the victim with an electronic receptor device.

(i) If an indigent defendant pays to an entity that operates a global positioning monitoring system the partial amount ordered by a magistrate under Subsection (h), the entity shall accept the partial amount as payment in full. The county in which the

1 magistrate who enters an order under Subsection (h) is located is  
2 not responsible for payment of any costs associated with operating  
3 the global positioning monitoring system in relation to an indigent  
4 defendant.

5       Explanation: This change is necessary to remove a provision  
6 allowing an indigent defendant to perform community supervision in  
7 lieu of paying certain costs and to add provisions to allow a  
8 magistrate, without obligating the county to pay any of the costs,  
9 to require an indigent defendant to pay less than the full costs  
10 associated with operating a global positioning monitoring system in  
11 relation to the defendant or with providing an electronic receptor  
12 device to the victim of the offense committed by the defendant.