

AN ACT

relating to the retention by a county or municipality of certain court costs for maintaining and supporting a certified breath alcohol testing program.

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

SECTION 1. Subsection (b), Article 102.016, Code of Criminal Procedure, is amended to read as follows:

(b) The custodian of a municipal or county treasury in a county that maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by the department may, to defray the costs of maintaining and supporting a certified breath alcohol [~~breath~~] testing program, retain \$22.50 of each court cost collected under Section 133.102, Local Government Code, [~~Article 102.075~~] on conviction of an offense under Chapter 49, Penal Code, other than an offense that is a Class C misdemeanor.

SECTION 2. (a) The change in law made by this Act applies only to a court cost collected on or after the effective date of this Act. A court cost collected before the effective date of this Act is governed by the law in effect when the court cost was collected, and the law is continued in effect for that purpose.

(b) Notwithstanding Subsection (a) of this section, the custodian of a municipal or county treasury may retain any amount retained under Subsection (b), Article 102.016, Code of Criminal

1 Procedure, before the effective date of this Act to maintain and
2 support a certified breath alcohol testing program.

3 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 333 passed the Senate on March 19, 2009, by the following vote: Yeas 31, Nays 0; May 28, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 29, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 333 passed the House, with amendment, on May 20, 2009, by the following vote: Yeas 138, Nays 0, two present not voting; May 29, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor