

By: Whitmire

S.B. No. 2088

A BILL TO BE ENTITLED

AN ACT

relating to state and local court costs and fees associated with criminal cases.

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

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Sections 72.031 and 72.032 to read as follows:

Sec. 72.031. COLLECTION OF DATA RELATING TO STATE AND LOCAL COURT COSTS AND FEES ASSOCIATED WITH CRIMINAL CASES. (a) The office shall collect data relating to the imposition of local and state court costs and fees associated with criminal cases.

(b) Not later than December 1 of each even-numbered year, the office shall file a report analyzing the data collected under Subsection (a) for the two preceding state fiscal years with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over criminal justice issues.

(c) The report filed under Subsection (b) must include:

(1) findings as to whether court costs and fees associated with criminal cases are imposed uniformly throughout the state;

(2) findings as to which costs and fees described by Subdivision (1), if any, should be consolidated for the purpose of streamlining the administration of criminal justice in this state;

1 and

2 (3) proposed legislation for clarifying and
3 consolidating appropriate state and local court costs and fees
4 associated with criminal cases, for imposing new costs or fees, or
5 for repealing any existing costs or fees.

6 (d) The purpose of the report is to provide the legislature
7 with information and recommendations to facilitate legislation
8 that clarifies and consolidates state and local fees associated
9 with criminal cases.

10 Sec. 72.032. STANDARDS FOR THE COLLECTION AND IMPOSITION OF
11 STATE AND LOCAL COURT COSTS AND FEES ASSOCIATED WITH CRIMINAL
12 CASES; MODIFICATION OF AMOUNTS. (a) To improve the efficiency of
13 the administration of criminal justice in this state, the office by
14 rule shall prescribe uniform standards and procedures for the
15 collection and imposition of local and state court costs and fees
16 associated with criminal cases, including:

17 (1) costs and fees prescribed by the Code of Criminal
18 Procedure, Government Code, Local Government Code, and
19 Transportation Code; and

20 (2) costs and fees paid by a criminal defendant in
21 relation to the defendant's criminal case or in relation to any
22 confinement or supervision of the defendant on the conclusion of
23 that case.

24 (b) Notwithstanding any other law, the office by rule may
25 modify the amount of any local or state court cost or fee as
26 necessary to ensure that proceeds from applicable costs and fees:

27 (1) are adequate to cover the costs associated with a

1 criminal case or with the confinement or supervision of a criminal
2 defendant for which the cost or fee is imposed or authorized; and
3 (2) are not excessive for that purpose.

4 SECTION 2. Section 133.102(a), Local Government Code, is
5 amended to read as follows:

6 (a) A person convicted of an offense shall pay as a court
7 cost, in addition to all other costs:

8 (1) \$134 [~~\$133~~] on conviction of a felony;

9 (2) \$82 [~~\$83~~] on conviction of a Class A or Class B
10 misdemeanor; or

11 (3) \$42 [~~\$40~~] on conviction of a nonjailable
12 misdemeanor offense, including a criminal violation of a municipal
13 ordinance, other than a conviction of an offense relating to a
14 pedestrian or the parking of a motor vehicle.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.