

By: Raymond

H.B. No. 152

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the fees collected by prosecutors for collection and
3 processing of certain checks or similar sight orders.

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

5 SECTION 1. Article 102.007(c), Code of Criminal Procedure,
6 is amended to read as follows:

7 (c) The amount of the fee may not exceed:

8 (1) \$20 [~~\$10~~] if the face amount of the check or sight
9 order does not exceed \$10;

10 (2) \$30 [~~\$15~~] if the face amount of the check or sight
11 order is greater than \$10 but does not exceed \$100;

12 (3) \$55 [~~\$30~~] if the face amount of the check or sight
13 order is greater than \$100 but does not exceed \$300;

14 (4) \$100 [~~\$50~~] if the face amount of the check or sight
15 order is greater than \$300 but does not exceed \$500; [~~and~~]

16 (5) \$150 [~~\$75~~] if the face amount of the check or sight
17 order is greater than \$500 but does not exceed \$1,000;

18 (6) \$350 if the face amount of the check or sight order
19 is greater than \$1,000 but does not exceed \$5,000;

20 (7) \$475 if the face amount of the check or sight order
21 is greater than \$5,000 but does not exceed \$10,000;

22 (8) \$675 if the face amount of the check or sight order
23 is greater than \$10,000 but does not exceed \$30,000;

24 (9) \$800 if the face amount of the check or sight order

1 is greater than \$30,000 but does not exceed \$50,000; and
2 (10) \$1,000 if the face amount of the check or sight
3 order is greater than \$50,000.

4 SECTION 2. Section 103.021, Government Code, is amended to
5 read as follows:

6 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
7 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or
8 defendant, or a party to a civil suit, as applicable, shall pay the
9 following fees and costs under the Code of Criminal Procedure if
10 ordered by the court or otherwise required:

11 (1) a personal bond fee (Art. 17.42, Code of Criminal
12 Procedure) . . . the greater of \$20 or three percent of the amount
13 of the bail fixed for the accused;

14 (2) cost of electronic monitoring as a condition of
15 release on personal bond (Art. 17.43, Code of Criminal Procedure)
16 . . . actual cost;

17 (3) a fee for verification of and monitoring of motor
18 vehicle ignition interlock (Art. 17.441, Code of Criminal
19 Procedure) . . . not to exceed \$10;

20 (4) repayment of reward paid by a crime stoppers
21 organization on conviction of a felony (Art. 37.073, Code of
22 Criminal Procedure) . . . amount ordered;

23 (5) reimbursement to general revenue fund for payments
24 made to victim of an offense as condition of community supervision
25 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50
26 for a misdemeanor offense or \$100 for a felony offense;

27 (6) payment to a crime stoppers organization as

1 condition of community supervision (Art. 42.12, Code of Criminal
2 Procedure) . . . not to exceed \$50;

3 (7) children's advocacy center fee (Art. 42.12, Code
4 of Criminal Procedure) . . . not to exceed \$50;

5 (8) family violence center fee (Art. 42.12, Code of
6 Criminal Procedure) . . . \$100;

7 (9) community supervision fee (Art. 42.12, Code of
8 Criminal Procedure) . . . not less than \$25 or more than \$60 per
9 month;

10 (10) additional community supervision fee for certain
11 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
12 month;

13 (11) for certain financially able sex offenders as a
14 condition of community supervision, the costs of treatment,
15 specialized supervision, or rehabilitation (Art. 42.12, Code of
16 Criminal Procedure) . . . all or part of the reasonable and
17 necessary costs of the treatment, supervision, or rehabilitation as
18 determined by the judge;

19 (12) fee for failure to appear for trial in a justice
20 or municipal court if a jury trial is not waived (Art. 45.026, Code
21 of Criminal Procedure) . . . costs incurred for impaneling the
22 jury;

23 (13) costs of certain testing, assessments, or
24 programs during a deferral period (Art. 45.051, Code of Criminal
25 Procedure) . . . amount ordered;

26 (14) special expense on dismissal of certain
27 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)

1 . . . not to exceed amount of fine assessed;

2 (15) an additional fee:

3 (A) for a copy of the defendant's driving record
4 to be requested from the Department of Public Safety by the judge
5 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
6 to the sum of the fee established by Section 521.048,
7 Transportation Code, and the TexasOnline fee;

8 (B) as an administrative fee for requesting a
9 driving safety course or a course under the motorcycle operator
10 training and safety program for certain traffic offenses to cover
11 the cost of administering the article (Art. 45.0511(f)(1), Code of
12 Criminal Procedure) . . . not to exceed \$10; or

13 (C) for requesting a driving safety course or a
14 course under the motorcycle operator training and safety program
15 before the final disposition of the case (Art. 45.0511(f)(2), Code
16 of Criminal Procedure) . . . not to exceed the maximum amount of the
17 fine for the offense committed by the defendant;

18 (16) a request fee for teen court program
19 (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court
20 ordering the fee is located in the Texas-Louisiana border region,
21 but otherwise not to exceed \$10;

22 (17) a fee to cover costs of required duties of teen
23 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
24 court ordering the fee is located in the Texas-Louisiana border
25 region, but otherwise \$10;

26 (18) a mileage fee for officer performing certain
27 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per

1 mile;

2 (19) certified mailing of notice of hearing date
3 (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

4 (20) certified mailing of certified copies of an order
5 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
6 plus postage;

7 (20-a) a fee to defray the cost of notifying state
8 agencies of orders of expungement (Art. 45.0216, Code of Criminal
9 Procedure) . . . \$30 per application;

10 (20-b) a fee to defray the cost of notifying state
11 agencies of orders of expunction (Art. 45.055, Code of Criminal
12 Procedure) . . . \$30 per application;

13 (21) sight orders:

14 (A) if the face amount of the check or sight order
15 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
16 . . . not to exceed \$20 [~~\$10~~];

17 (B) if the face amount of the check or sight order
18 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
19 Criminal Procedure) . . . not to exceed \$30 [~~\$15~~];

20 (C) if the face amount of the check or sight order
21 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
22 Criminal Procedure) . . . not to exceed \$55 [~~\$30~~];

23 (D) if the face amount of the check or sight order
24 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
25 Criminal Procedure) . . . not to exceed \$100 [~~\$50~~]; [~~and~~]

26 (E) if the face amount of the check or sight order
27 is greater than \$500 but does not exceed \$1,000 (Art. 102.007, Code

1 of Criminal Procedure) . . . not to exceed \$150 [~~\$75~~];

2 (F) if the face amount of the check or sight order
3 is greater than \$1,000 but does not exceed \$5,000 (Art. 102.007,
4 Code of Criminal Procedure) . . . not to exceed \$350;

5 (G) if the face amount of the check or sight order
6 is greater than \$5,000 but does not exceed \$10,000 (Art. 102.007,
7 Code of Criminal Procedure) . . . not to exceed \$475;

8 (H) if the face amount of the check or sight order
9 is greater than \$10,000 but does not exceed \$30,000 (Art. 102.007,
10 Code of Criminal Procedure) . . . not to exceed \$675;

11 (I) if the face amount of the check or sight order
12 is greater than \$30,000 but does not exceed \$50,000 (Art. 102.007,
13 Code of Criminal Procedure) . . . not to exceed \$800; and

14 (J) if the face amount of the check or sight order
15 is greater than \$50,000 (Art. 102.007, Code of Criminal Procedure)
16 . . . not to exceed \$1,000;

17 (22) fees for a pretrial intervention program:

18 (A) a supervision fee (Art. 102.012(a), Code of
19 Criminal Procedure) . . . \$60 a month plus expenses; and

20 (B) a district attorney, criminal district
21 attorney, or county attorney administrative fee (Art. 102.0121,
22 Code of Criminal Procedure) . . . not to exceed \$500;

23 (23) parking fee violations for child safety fund in
24 municipalities with populations:

25 (A) greater than 850,000 (Art. 102.014, Code of
26 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

27 (B) less than 850,000 (Art. 102.014, Code of

1 Criminal Procedure) . . . not to exceed \$5;

2 (24) an administrative fee for collection of fines,
3 fees, restitution, or other costs (Art. 102.072, Code of Criminal
4 Procedure) . . . not to exceed \$2 for each transaction; and

5 (25) a collection fee, if authorized by the
6 commissioners court of a county or the governing body of a
7 municipality, for certain debts and accounts receivable, including
8 unpaid fines, fees, court costs, forfeited bonds, and restitution
9 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
10 percent of an amount more than 60 days past due.

11 SECTION 3. The change in law made by this Act applies only
12 to a check or sight order issued or passed on or after the effective
13 date of this Act. A check or sight order issued or passed before the
14 effective date of this Act is covered by the law in effect at the
15 time of issuance or passing of the check or sight order, and the
16 former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2011.