

By: Guillen

H.B. No. 331

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of the governing body of a municipality to  
3 create a municipal court equal justice and education fund and to  
4 require certain defendants to pay court costs for deposit in the  
5 fund.

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

7 SECTION 1. Subchapter A, Chapter 102, Code of Criminal  
8 Procedure, is amended by adding Article 102.0175 to read as  
9 follows:

10 Art. 102.0175. COURT COSTS; MUNICIPAL COURT EQUAL JUSTICE  
11 AND EDUCATION FUND. (a) The governing body of a municipality by  
12 ordinance may create a municipal court equal justice and education  
13 fund and may require a defendant convicted of a misdemeanor offense  
14 in a municipal court or municipal court of record to pay a \$1 equal  
15 justice and education fee as a cost of court for deposit in the  
16 fund.

17 (b) In this article, a person is considered convicted if:

18 (1) a sentence is imposed on the person; or

19 (2) the court defers final disposition of the person's  
20 case.

21 (c) The municipal court clerk shall collect the costs and  
22 pay the funds to the municipal treasurer, or to any other official  
23 who discharges the duties commonly delegated to the municipal  
24 treasurer, for deposit in a fund to be known as the municipal court

1 equal justice and education fund.

2 (d) A fund designated by this article may be used only to  
3 finance:

4 (1) the purchase of services, materials, or equipment  
5 for a municipal court or municipal court of record to provide equal  
6 justice for individuals involved in the justice system, including  
7 the purchase of:

8 (A) interpreter services;

9 (B) mental health and counseling services; or

10 (C) modifications to municipal court buildings  
11 and other accommodations for individuals with disabilities;

12 (2) the appointment of an attorney for an indigent  
13 defendant; or

14 (3) the education of municipal court judges and  
15 municipal court support personnel, including the payment of  
16 tuition, conference fees, and travel expenses incurred for  
17 educational purposes.

18 (e) The municipal court equal justice and education fund  
19 shall be administered by or under the direction of the governing  
20 body of the municipality.

21 (f) The presiding judge of the municipal court shall  
22 authorize expenditures from the fund and ensure that the  
23 expenditures comply with any applicable purchasing policies of the  
24 municipality. The judge shall provide to the governing body of the  
25 municipality on a quarterly basis a detailed description and  
26 accounting of all money spent under this article.

27 (g) The governing body of the municipality by ordinance may

1 provide that any amount in the fund that is not spent during a  
2 fiscal year may remain in the fund for use in a subsequent fiscal  
3 year.

4 SECTION 2. Subchapter G, Chapter 102, Government Code, is  
5 amended by adding Section 102.1211 to read as follows:

6 Sec. 102.1211. EQUAL JUSTICE AND EDUCATION FUND FEE ON  
7 CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The  
8 clerk of a municipal court shall collect from a defendant an equal  
9 justice and education fund fee of \$1 under Article 102.0175, Code of  
10 Criminal Procedure, on conviction.

11 SECTION 3. Subchapter H, Chapter 102, Government Code, is  
12 amended by adding Section 102.1411 to read as follows:

13 Sec. 102.1411. EQUAL JUSTICE AND EDUCATION FUND FEE ON  
14 CONVICTION IN MUNICIPAL COURT OF RECORD: CODE OF CRIMINAL  
15 PROCEDURE. The clerk of a municipal court of record shall collect  
16 from a defendant an equal justice and education fund fee of \$1 under  
17 Article 102.0175, Code of Criminal Procedure, on conviction.

18 SECTION 4. The change in law made by this Act applies only  
19 to a cost on conviction for an offense committed on or after the  
20 effective date of this Act. A cost on conviction for an offense  
21 committed before the effective date of this Act is covered by the  
22 law in effect when the offense was committed, and the former law is  
23 continued in effect for that purpose. For purposes of this section,  
24 an offense was committed before the effective date of this Act if  
25 any element of the offense occurred before that date.

26 SECTION 5. This Act takes effect September 1, 2011.

COMMITTEE AMENDMENT NO. 1

Amend H.B. 331 (introduced version) as follows:

In Section 1 of the bill, Article 102.0175, Code of Criminal Procedure, (page 2 line 13 through 17) strike "; or (3) the education of municipal court judges and municipal court support personnel, including the payment of tuition, conference fees, and travel expenses incurred for educational purposes."

(2) In SECTION 1 of the bill, Article 102.0175, Code of Criminal Procedure, (page 2, line 13) insert "." after "defendant"

Gallego