

By: Guillen

H.B. No. 331

A BILL TO BE ENTITLED

AN ACT

1
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.