

By: Fletcher, Gonzalez, White

H.B. No. 443

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of the fee paid by a defendant for a peace
3 officer's services in executing or processing an arrest warrant,
4 capias, or capias pro fine.

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

6 SECTION 1. Article 102.011(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) A defendant convicted of a felony or a misdemeanor shall
9 pay the following fees for services performed in the case by a peace
10 officer:

11 (1) \$5 for issuing a written notice to appear in court
12 following the defendant's violation of a traffic law, municipal
13 ordinance, or penal law of this state, or for making an arrest
14 without a warrant;

15 (2) \$75 [~~\$50~~] for executing or processing an issued
16 arrest warrant, capias, or capias pro fine with the fee imposed for
17 the services of:

18 (A) the law enforcement agency that executed the
19 arrest warrant or capias, if the agency requests of the court, not
20 later than the 15th day after the date of the execution of the
21 arrest warrant or capias, the imposition of the fee on conviction;
22 or

23 (B) the law enforcement agency that processed the
24 arrest warrant or capias, if:

1 (i) the arrest warrant or *capias* was not
2 executed; or

3 (ii) the executing law enforcement agency
4 failed to request the fee within the period required by Paragraph
5 (A) of this subdivision;

6 (3) \$5 for summoning a witness;

7 (4) \$35 for serving a writ not otherwise listed in this
8 article;

9 (5) \$10 for taking and approving a bond and, if
10 necessary, returning the bond to the courthouse;

11 (6) \$5 for commitment or release;

12 (7) \$5 for summoning a jury, if a jury is summoned; and

13 (8) \$8 for each day's attendance of a prisoner in a
14 habeas corpus case if the prisoner has been remanded to custody or
15 held to bail.

16 SECTION 2. Section 102.021, Government Code, as amended by
17 Chapters 902 (H.B. 666) and 1209 (S.B. 727), Acts of the 81st
18 Legislature, Regular Session, 2009, is reenacted and amended to
19 read as follows:

20 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
21 PROCEDURE. A person convicted of an offense shall pay the following
22 under the Code of Criminal Procedure, in addition to all other
23 costs:

24 (1) court cost on conviction of any offense, other
25 than a conviction of an offense relating to a pedestrian or the
26 parking of a motor vehicle (Art. 102.0045, Code of Criminal
27 Procedure) . . . \$4;

1 (2) a fee for services of prosecutor (Art. 102.008,
2 Code of Criminal Procedure) . . . \$25;

3 (3) fees for services of peace officer:

4 (A) issuing a written notice to appear in court
5 for certain violations (Art. 102.011, Code of Criminal Procedure)
6 . . . \$5;

7 (B) executing or processing an issued arrest
8 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal
9 Procedure) . . . \$75 [~~\$50~~];

10 (C) summoning a witness (Art. 102.011, Code of
11 Criminal Procedure) . . . \$5;

12 (D) serving a writ not otherwise listed
13 (Art. 102.011, Code of Criminal Procedure) . . . \$35;

14 (E) taking and approving a bond and, if
15 necessary, returning the bond to courthouse (Art. 102.011, Code of
16 Criminal Procedure) . . . \$10;

17 (F) commitment or release (Art. 102.011, Code of
18 Criminal Procedure) . . . \$5;

19 (G) summoning a jury (Art. 102.011, Code of
20 Criminal Procedure) . . . \$5;

21 (H) attendance of a prisoner in habeas corpus
22 case if prisoner has been remanded to custody or held to bail
23 (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

24 (I) mileage for certain services performed
25 (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile;
26 and

27 (J) services of a sheriff or constable who serves

1 process and attends examining trial in certain cases (Art. 102.011,
2 Code of Criminal Procedure) . . . not to exceed \$5;

3 (4) services of a peace officer in conveying a witness
4 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
5 \$10 per day or part of a day, plus actual necessary travel expenses;

6 (5) overtime of peace officer for time spent
7 testifying in the trial or traveling to or from testifying in the
8 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

9 (6) court costs on an offense relating to rules of the
10 road, when offense occurs within a school crossing zone
11 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

12 (7) court costs on an offense of passing a school bus
13 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

14 (8) court costs on an offense of truancy or
15 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
16 . . . \$20;

17 (9) cost for visual recording of intoxication arrest
18 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
19 \$15;

20 (10) cost of certain evaluations (Art. 102.018, Code
21 of Criminal Procedure) . . . actual cost;

22 (11) additional costs attendant to certain
23 intoxication convictions under Chapter 49, Penal Code, for
24 emergency medical services, trauma facilities, and trauma care
25 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

26 (12) additional costs attendant to certain child
27 sexual assault and related convictions, for child abuse prevention

1 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

2 (13) court cost for DNA testing for certain felonies
3 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

4 (14) court cost for DNA testing for the offense of
5 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
6 Criminal Procedure) . . . \$50;

7 (15) court cost for DNA testing for certain felonies
8 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

9 (16) if required by the court, a restitution fee for
10 costs incurred in collecting restitution installments and for the
11 compensation to victims of crime fund (Art. 42.037, Code of
12 Criminal Procedure) . . . \$12;

13 (17) if directed by the justice of the peace or
14 municipal court judge hearing the case, court costs on conviction
15 in a criminal action (Art. 45.041, Code of Criminal Procedure)
16 . . . part or all of the costs as directed by the judge; and

17 (18) costs attendant to convictions under Chapter 49,
18 Penal Code, and under Chapter 481, Health and Safety Code, to help
19 fund drug court programs established under Chapter 469, Health and
20 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

21 SECTION 3. The change in law made by this Act applies only
22 to a fee imposed for the execution or processing of a warrant,
23 capias, or capias pro fine issued for an offense committed on or
24 after the effective date of this Act. A fee imposed for the
25 execution or processing of a warrant, capias, or capias pro fine
26 issued for an offense committed before the effective date of this
27 Act is governed by the law in effect on the date the offense was

1 committed, and the former law is continued in effect for that
2 purpose. For purposes of this section, an offense was committed
3 before the effective date of this Act if any element of the offense
4 occurred before that date.

5 SECTION 4. To the extent of any conflict, this Act prevails
6 over another Act of the 82nd Legislature, Regular Session, 2011,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

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