

By: Castro

H.B. No. 2344

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the commissioners court of a county to
3 create a law enforcement technology fund and to require certain
4 defendants to pay court costs for deposit in the fund.

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

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

9 Art. 102.0175. COURT COSTS; LAW ENFORCEMENT TECHNOLOGY
10 FUND. (a) The commissioners court of a county by order may create a
11 law enforcement technology fund.

12 (b) If a fund is created as described by Subsection (a), a
13 defendant convicted of a misdemeanor offense in a justice court or
14 county court at law shall pay a \$2 law enforcement technology fee as
15 a cost of court.

16 (c) In this article, a person is considered convicted if:

17 (1) a sentence is imposed on the person;

18 (2) the person is placed on community supervision,
19 including deferred adjudication community supervision; or

20 (3) the court defers final disposition of the person's
21 case.

22 (d) The clerks of the courts described by Subsection (b)
23 shall collect the fee and pay the fee to the county treasurer, or to
24 any other official who discharges the duties commonly delegated to

1 the county treasurer, for deposit in the law enforcement technology
2 fund.

3 (e) A fund created under this article may be used only to
4 finance the purchase and maintenance of technological enhancements
5 for a county law enforcement agency and shall be administered by or
6 under the direction of the commissioners court of the county.

7 SECTION 2. Section 102.061, Government Code, as amended by
8 Chapters 87 (S.B. 1969), 1172 (H.B. 3389), and 1183 (H.B. 3637),
9 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
10 and amended to read as follows:

11 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
12 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
13 statutory county court shall collect fees and costs under the Code
14 of Criminal Procedure on conviction of a defendant as follows:

15 (1) a jury fee (Art. 102.004, Code of Criminal
16 Procedure) . . . \$20;

17 (2) a fee for services of the clerk of the court
18 (Art. 102.005, Code of Criminal Procedure) . . . \$40;

19 (3) a records management and preservation services fee
20 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

21 (4) a county and district court technology fee
22 (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

23 (5) a security fee on a misdemeanor offense
24 (Art. 102.017, Code of Criminal Procedure) . . . \$3;

25 (6) a juvenile delinquency prevention and graffiti
26 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .

27 \$50; [~~and~~]

1 (7) a juvenile case manager fee (Art. 102.0174, Code
2 of Criminal Procedure) . . . not to exceed \$5;

3 (8) [~~(7)~~] a civil justice fee (Art. 102.022, Code of
4 Criminal Procedure) . . . \$0.10; and

5 (9) a law enforcement technology fee, if authorized by
6 the county commissioners court (Art. 102.0175, Code of Criminal
7 Procedure) . . . \$2.

8 SECTION 3. Section 102.101, Government Code, is amended to
9 read as follows:

10 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
11 JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice
12 court shall collect fees and costs under the Code of Criminal
13 Procedure on conviction of a defendant as follows:

14 (1) a jury fee (Art. 102.004, Code of Criminal
15 Procedure) . . . \$3;

16 (2) a fee for withdrawing request for jury less than 24
17 hours before time of trial (Art. 102.004, Code of Criminal
18 Procedure) . . . \$3;

19 (3) a jury fee for two or more defendants tried jointly
20 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

21 (4) a security fee on a misdemeanor offense (Art.
22 102.017, Code of Criminal Procedure) . . . \$4;

23 (5) a fee for technology fund on a misdemeanor offense
24 (Art. 102.0173, Code of Criminal Procedure) . . . \$4;

25 (6) a juvenile case manager fee (Art. 102.0174, Code
26 of Criminal Procedure) . . . not to exceed \$5;

27 (7) a fee on conviction of certain offenses involving

1 issuing or passing a subsequently dishonored check (Art. 102.0071,
2 Code of Criminal Procedure) . . . not to exceed \$30;

3 (8) a court cost on conviction of a Class C misdemeanor
4 in a county with a population of 3.3 million or more, if authorized
5 by the county commissioners court (Art. 102.009, Code of Criminal
6 Procedure) . . . not to exceed \$7; ~~and~~

7 (9) a civil justice fee (Art. 102.022, Code of
8 Criminal Procedure) . . . \$0.10; and

9 (10) a law enforcement technology fee, if authorized
10 by the county commissioners court (Art. 102.0175, Code of Criminal
11 Procedure) . . . \$2.

12 SECTION 4. To the extent of any conflict, this Act prevails
13 over another Act of the 82nd Legislature, Regular Session, 2011,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2011.