

By: Harris

S.B. No. 383

A BILL TO BE ENTITLED

AN ACT

relating to the imposition and use of certain court costs for breath alcohol testing programs.

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

SECTION 1. Article 102.016(b), Code of Criminal Procedure, is amended to read as follows:

(b) On conviction of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, the court shall require the defendant to pay a \$45 breath alcohol testing program fee as a cost of court. The custodian of a municipal or county treasury in a county that maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by the department may, to defray the costs of maintaining and supporting the ~~[a certified breath alcohol testing]~~ program, retain ~~[\$22.50 of]~~ each court cost collected under this article, in addition to any other court cost relating to a breath alcohol testing program to which the county is entitled under Section 133.102, Local Government Code ~~[, on conviction of an offense under Chapter 49, Penal Code, other than an offense that is a Class C misdemeanor]~~.

SECTION 2. Subchapter C, Chapter 102, Government Code, is amended by adding Section 102.0413 to read as follows:

Sec. 102.0413. BREATH ALCOHOL TESTING PROGRAM FEE ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The

1 clerk of a district court shall collect from a defendant a breath
2 alcohol testing program fee of \$45 imposed under Article
3 102.016(b), Code of Criminal Procedure, on conviction.

4 SECTION 3. Subchapter D, Chapter 102, Government Code, is
5 amended by adding Section 102.0613 to read as follows:

6 Sec. 102.0613. BREATH ALCOHOL TESTING PROGRAM FEE ON
7 CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE.
8 The clerk of a statutory county court shall collect from a defendant
9 a breath alcohol testing program fee of \$45 imposed under Article
10 102.016(b), Code of Criminal Procedure, on conviction.

11 SECTION 4. Subchapter E, Chapter 102, Government Code, is
12 amended by adding Section 102.0813 to read as follows:

13 Sec. 102.0813. BREATH ALCOHOL TESTING PROGRAM FEE ON
14 CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk
15 of a county court shall collect from a defendant a breath alcohol
16 testing program fee of \$45 imposed under Article 102.016(b), Code
17 of Criminal Procedure, on conviction.

18 SECTION 5. The change in law made by this Act applies only
19 to a fee collected on conviction of an offense committed on or after
20 the effective date of this Act. A fee collected on conviction of an
21 offense committed before the effective date of this Act is covered
22 by the law in effect when the offense was committed, and the former
23 law is continued in effect for that purpose. For purposes of this
24 section, an offense was committed before the effective date of this
25 Act if any element of the offense occurred before that date.

26 SECTION 6. This Act takes effect September 1, 2011.