

By: Whitmire

S.B. No. 880

A BILL TO BE ENTITLED

AN ACT

relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

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

SECTION 1. Section 76.011, Government Code, is amended to read as follows:

Sec. 76.011. OPERATION OF CERTAIN [~~PRETRIAL~~] SERVICES AND PROGRAMS. (a) The department may operate programs for:

(1) the supervision and rehabilitation of persons in pretrial intervention programs;

(2) the supervision of persons released on bail under:

(A) Chapter 11, Code of Criminal Procedure;

(B) Chapter 17, Code of Criminal Procedure;

(C) Article 44.04, Code of Criminal Procedure; or

(D) any other law;

(3) the supervision of a person subject to, or the verification of compliance with, a court order issued under:

(A) Article 17.441, Code of Criminal Procedure, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person;

(B) Chapter 469, Health and Safety Code, issuing an occupational driver's license;

(C) Section 49.09(h), Penal Code, requiring a

1 person to install a deep-lung breath analysis mechanism on each
2 vehicle owned or operated by the person; or

3 (D) Subchapter L, Chapter 521, Transportation
4 Code, granting a person an occupational driver's license; and

5 (4) the supervision of a person not otherwise
6 described by Subdivision (1), (2), or (3), if a court orders the
7 person to submit to the supervision of, or to receive services from,
8 the department.

9 (b) Except as otherwise provided by this subsection,
10 programs operated by the department under Subsection (a) [Programs]
11 may include reasonable conditions related to the purpose of the
12 program, including testing for controlled substances. If this
13 subsection conflicts with a more specific provision of another law,
14 the other law prevails.

15 (c) A person in a pretrial intervention program operated by
16 the department under Subsection (a) may be supervised for a period
17 not to exceed two years.

18 (d) [~~(b)~~] The department may use money deposited in the
19 special fund of the county treasury for the department under
20 Article 103.004(d) [~~103.004(b)~~], Code of Criminal Procedure, only
21 for the same purposes for which state aid may be used under this
22 chapter.

23 SECTION 2. Section 76.015(c), Government Code, is amended
24 to read as follows:

25 (c) A department may assess a reasonable administrative fee
26 of not less than \$25 and not more than \$60 [~~\$40~~] per month on an
27 individual who participates in a [~~department~~] program operated by

1 the department or receives [~~department~~] services from the
2 department and who is not paying a monthly fee under Section 19,
3 Article 42.12, Code of Criminal Procedure.

4 SECTION 3. Section 103.0211, Government Code, is amended to
5 read as follows:

6 Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
7 CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party
8 to a civil suit, as applicable, shall pay the following fees and
9 costs under the Government Code if ordered by the court or otherwise
10 required:

11 (1) a court reporter fee when testimony is taken:

12 (A) in a criminal court in Dallas County (Sec.
13 25.0593, Government Code) . . . \$3;

14 (B) in a county criminal court of appeals in
15 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

16 (C) in a county court at law in McLennan County
17 (Sec. 25.1572, Government Code) . . . \$3; and

18 (D) in a county criminal court in Tarrant County
19 (Sec. 25.2223, Government Code) . . . \$3;

20 (2) a court reporter service fee if the courts have
21 official court reporters (Sec. 51.601, Government Code) . . . \$15
22 or, in specified counties, \$30;

23 (3) a speedy trial filing fee in El Paso County (Sec.
24 54.745, Government Code) . . . \$100;

25 (4) costs for use of magistrate in Brazos County (Sec.
26 54.1116, Government Code) . . . not to exceed \$50;

27 (5) the costs of a criminal magistrate if the court

1 determines that the nonprevailing party is able to defray the
2 costs:

3 (A) in Bexar County (Sec. 54.913, Government
4 Code) . . . magistrate's fees;

5 (B) in Dallas County (Sec. 54.313, Government
6 Code) . . . magistrate's fees;

7 (C) in Lubbock County (Sec. 54.883, Government
8 Code) . . . magistrate's fees;

9 (D) in Tarrant County (Sec. 54.663, Government
10 Code) . . . magistrate's fees;

11 (E) in Travis County (Sec. 54.983, Government
12 Code) . . . magistrate's fees; and

13 (F) in Williamson County (Sec. 54.958,
14 Government Code) . . . expense of the magistrate;

15 (6) an administrative fee for participation in certain
16 community supervision programs (Sec. 76.015, Government Code) . . .
17 not less than \$25 and not more than \$60 [~~\$40~~] per month; and

18 (7) fee paid on filing a petition for an order of
19 nondisclosure of criminal history record information in certain
20 cases (Sec. 411.081, Government Code) . . . \$28.

21 SECTION 4. (a) Section 76.015(c), Government Code, as
22 amended by this Act, applies to a person who participates in a
23 program operated by, or receives services from, a community
24 supervision and corrections department in any month the first day
25 of which occurs on or after the effective date of this Act,
26 regardless of when the person first participated in a program
27 operated by, or received services from, a community supervision and

1 corrections department.

2 (b) Section 51.607(c), Government Code, does not apply to
3 the change in the amount of a fee imposed under Section 76.015(c),
4 Government Code, as amended by this Act.

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