

By: Nelson

S.B. No. 968

A BILL TO BE ENTITLED

AN ACT

relating to certain costs used to fund court-appointed volunteer advocate programs.

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

SECTION 1. Article 42.015, Code of Criminal Procedure, is amended to read as follows:

Art. 42.015. FINDING OF AGE OF VICTIM. In the trial of an offense under the ~~[Section 20.02, 20.03, or 20.04,]~~ Penal Code, ~~[or an attempt, conspiracy, or solicitation to commit one of those offenses,]~~ the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the victim or intended victim was younger than 17 years of age at the time of the offense.

SECTION 2. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0175 to read as follows:

Art. 102.0175. COURT COSTS; COURT-APPOINTED VOLUNTEER ADVOCATE PROGRAMS. (a) In addition to other costs on conviction imposed by this chapter, on conviction of an offense for which the judgment contains an affirmative finding under Article 42.015, a person shall pay:

(1) \$50 for a misdemeanor offense; and

(2) \$100 for a felony offense.

(b) For purposes of this article, a person is considered to

1 have been convicted if:

2 (1) a sentence is imposed;

3 (2) the defendant receives community supervision or
4 deferred adjudication; or

5 (3) the court defers final disposition of the case.

6 (c) Court costs under this article are collected in the same
7 manner as other fines or costs. An officer collecting the costs
8 shall keep separate records of the funds collected as costs under
9 this article and shall deposit the funds in the county or municipal
10 treasury, as appropriate.

11 (d) The custodian of a county or municipal treasury shall:

12 (1) keep records of the amount of funds on deposit
13 collected under this article; and

14 (2) except as provided by Subsection (e), send to the
15 comptroller before the last day of the first month following each
16 calendar quarter the funds collected under this article during the
17 preceding quarter.

18 (e) If the custodian of the county or municipal treasury
19 complies with Subsection (d), a county or municipality is entitled
20 to retain as a collection fee 10 percent of the amount of funds
21 collected under this article by an officer of the county or
22 municipality.

23 (f) If no funds due as costs under this article are
24 deposited in a county or municipal treasury in a calendar quarter,
25 the custodian of the treasury shall file the report required for the
26 quarter in the regular manner and must state that no funds were
27 collected.

1 (g) The comptroller shall deposit the funds received under
2 this article to the credit of a special account in the general
3 revenue fund to help fund the statewide organization described by
4 Section 264.603, Family Code. The legislature may appropriate
5 money from the account only to the attorney general's office for
6 distribution to that organization. The attorney general's office
7 shall ensure that money distributed under this subsection is used
8 for a public purpose.

9 (h) Funds collected under this article are subject to audit
10 by the comptroller.

11 SECTION 3. Subchapter B, Chapter 102, Government Code, is
12 amended by adding Sections 102.0215 and 102.0216 to read as
13 follows:

14 Sec. 102.0215. ADDITIONAL COURT COSTS ON CONVICTION: CODE
15 OF CRIMINAL PROCEDURE. A person convicted of a misdemeanor offense
16 for which the judgment contains an affirmative finding under
17 Article 42.015, Code of Criminal Procedure, shall pay a cost on
18 conviction, in addition to all other costs, to help fund the
19 statewide organization described by Section 264.603, Family Code
20 . . . \$50.

21 Sec. 102.0216. ADDITIONAL COURT COSTS ON CONVICTION: CODE
22 OF CRIMINAL PROCEDURE. A person convicted of a felony offense for
23 which the judgment contains an affirmative finding under Article
24 42.015, Code of Criminal Procedure, shall pay a cost on conviction,
25 in addition to all other costs, to help fund the statewide
26 organization described by Section 264.603, Family Code . . . \$100.

27 SECTION 4. This Act takes effect September 1, 2011.