

By: Ellis

S.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

relating to court costs imposed on conviction and deposited to the municipal court technology fund.

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

SECTION 1. Article 102.0172(a), Code of Criminal Procedure, is amended to read as follows:

(a) The governing body of a municipality by ordinance may create a municipal court technology fund and may require a defendant convicted of a misdemeanor offense in a municipal court or municipal court of record to pay a technology fee not to exceed \$5 [~~\$4~~] as a cost of court.

SECTION 2. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

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

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

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

1 (4) a security fee on a misdemeanor offense (Art.
2 102.017, Code of Criminal Procedure) . . . \$3;

3 (5) a fee for technology fund on a misdemeanor offense
4 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$5
5 [~~\$4~~];

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

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

10 SECTION 3. Section 102.141, Government Code, is amended to
11 read as follows:

12 Sec. 102.141. ADDITIONAL COURT COSTS IN MUNICIPAL COURT OF
13 RECORD: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court
14 of record shall collect from a defendant on conviction of a
15 misdemeanor offense a fee of not more than \$5 [~~\$4~~] under Article
16 102.0172, Code of Criminal Procedure, for the technology fund.

17 SECTION 4. (a) Section 51.607, Government Code, does not
18 apply to the imposition or change in the amount of a court cost
19 assessed under Article 102.0172(a), Code of Criminal Procedure, as
20 amended by this Act, or under Section 102.121 or 102.141,
21 Government Code, as amended by this Act.

22 (b) The change in law made by this Act applies only to court
23 costs imposed on conviction in a municipal court or municipal court
24 of record of an offense committed on or after the effective date of
25 an ordinance of the governing body of the municipality that
26 requires a defendant convicted of the offense to pay the cost. Court
27 costs imposed on conviction of an offense committed before that

1 date are governed by the law in effect on the date the offense was
2 committed, and the former law is continued in effect for that
3 purpose.

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