

## BILL ANALYSIS

C.S.H.B. 2327  
By: Gooden  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Under current law, a courthouse security fee is collected from each defendant who is convicted of a felony offense in a district court or who is convicted of a misdemeanor offense in a county court, county court at law, district court, or justice court. Interested parties contend that the revenue derived from the collection of such fees is insufficient to provide adequate funding for courthouse security. C.S.H.B. 2327 seeks to raise the amount of the fees to increase funding for courthouse security.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 2327 amends the Code of Criminal Procedure and Government Code to increase the security fee required to be paid by a defendant on conviction of a felony offense in a district court from \$5 to \$20; on conviction of a misdemeanor offense in a county court, county court at law, or district court from \$3 to \$8; and on conviction of a misdemeanor offense in a justice court from \$4 to \$9. The bill's provisions apply to court costs imposed on conviction of an offense committed on or after January 1, 2014.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2327 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Articles 102.017(a) and (b), Code of Criminal Procedure, are amended to read as follows:

- (a) A defendant convicted of a felony offense in a district court shall pay a **\$10** [\$5] security fee as a cost of court.
- (b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Articles 102.017(a) and (b), Code of Criminal Procedure, are amended to read as follows:

- (a) A defendant convicted of a felony offense in a district court shall pay a **\$20** [\$5] security fee as a cost of court.
- (b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall

pay an \$8 [~~a-\$3~~] security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$9 [~~\$4~~] security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.

SECTION 2. Section 102.041, Government Code, is amended to read as follows:

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;
- (5) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) . . . \$10 [~~\$5~~];
- (6) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$8 [~~\$3~~]; and
- (7) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50.

SECTION 3. Section 102.061, Government Code, is amended.

SECTION 4. Section 102.081, Government Code, is amended.

SECTION 5. Section 102.101, Government Code, is amended.

SECTION 6. The change in law made by this Act applies only to court costs imposed on conviction of an offense committed on or

pay an \$8 [~~a-\$3~~] security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$9 [~~\$4~~] security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.

SECTION 2. Section 102.041, Government Code, is amended to read as follows:

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;
- (5) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) . . . \$20 [~~\$5~~];
- (6) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$8 [~~\$3~~]; and
- (7) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

after January 1, 2014. For purposes of this section, an offense is committed before January 1, 2014, if any element of the offense occurs before that date. Court costs imposed on conviction of an offense committed before January 1, 2014, are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2013.

SECTION 7. Same as introduced version.