

BILL ANALYSIS

S.B. 389
By: West
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Court costs are the means by which the judiciary and local governments recoup the resources expended in connection with a trial. Each time a new criminal court cost is enacted by the Texas Legislature, court clerks have to recalculate the costs imposed on defendants. Interested parties observe that the enactment of such new costs causes confusion in those instances when a defendant commits a violation but is not brought to trial for several years, raising the question of whether the court clerk should assess the court costs in effect at the time the violation occurred or the costs in effect on the date the defendant was convicted.

S.B. 389 seeks to end this confusion by clearly stating that criminal court costs are based on the law in effect on the date the individual was convicted of the offense. The intent of the bill is to provide the judiciary and local governments a means by which to recoup the actual costs incurred at the time of the trial.

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

S.B. 389 amends the Government Code to require the amount of a court cost imposed on a defendant in a criminal proceeding to be the amount established under the law in effect on the date the defendant is convicted of the offense.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.