

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 389
By: West
Jurisprudence
2/20/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 cost or fee related to the judiciary is enacted by the Texas Legislature, court clerks have to recalculate the costs imposed on defendants. The enactment of these new fees causes confusion in those instances when a defendant commits a violation but is not brought to trial for several years. The question for the court clerk is whether to assess the court costs in effect at the time the violation occurred or to assess those costs in effect on the date the defendant was convicted.

C.S.S.B. 389 seeks to end this confusion by adding a new section to the Government Code that clearly states that court costs are based 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.

C.S.S.B. 389 amends current law relating to the imposition of court costs in certain criminal proceedings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 51, Government Code, by adding Section 51.608, as follows:

Sec. 51.608. IMPOSITION OF COURT COSTS IN CRIMINAL PROCEEDINGS. Requires that the amount of a court cost imposed on the defendant in a criminal proceeding, notwithstanding any other law that establishes the amount of a court cost collected by the clerk of a district, county, or statutory county court from a defendant in a criminal proceeding based on the law in effect on the date the offense was committed, be the amount established under the law in effect on the date the defendant is convicted of the offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2013.