

By: Farias

H.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

relating to a court cost assessed on conviction of certain offenses involving an elderly victim.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0151 to read as follows:

Art. 42.0151. FINDING REGARDING ELDERLY VICTIM. In the trial of an offense under Title 5 or 7, Penal Code, or an attempt, conspiracy, or solicitation to commit an offense under either title, 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 65 years of age or older at the time of the offense.

SECTION 2. Section 5, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (k) to read as follows:

(k) If a judge places on community supervision under this section a defendant charged with an offense under Title 5 or 7, Penal Code, or an attempt, conspiracy, or solicitation to commit an offense under either title, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that the victim or intended victim was 65 years of age or older at the time of the offense.

SECTION 3. Subchapter A, Chapter 102, Code of Criminal

Procedure, is amended by adding Article 102.021 to read as follows:

Art. 102.021. ADDITIONAL COSTS ATTENDANT TO CERTAIN  
CONVICTIONS INVOLVING ELDERLY VICTIM. (a) In addition to other  
costs on conviction imposed by this chapter, a person shall pay \$100  
as a court cost on conviction of an offense in which the judge has:

(1) entered in the judgment an affirmative finding  
described by Article 42.0151; or

(2) filed with the papers in the case a statement of an  
affirmative finding described by Section 5(k), Article 42.12.

(b) In this article, a person is considered to have been  
convicted if:

(1) a sentence is imposed;

(2) the person is placed on community supervision,  
including deferred adjudication community supervision; or

(3) the court defers final disposition of the person's  
case.

(c) Court costs under this article are collected in the same  
manner as other fines or costs. An officer collecting the costs  
shall send to the comptroller costs collected under this article  
for deposit to the credit of the compensation to victims of crime  
fund established under Subchapter B, Chapter 56.

SECTION 4. Section 102.021, Government Code, is amended to  
read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
PROCEDURE. A person convicted of an offense shall pay the  
following under the Code of Criminal Procedure, in addition to all  
other costs:

1           (1) court cost on conviction of any offense, other  
2 than a conviction of an offense relating to a pedestrian or the  
3 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
4 Procedure) . . . \$4;

5           (2) a fee for services of prosecutor (Art. 102.008,  
6 Code of Criminal Procedure) . . . \$25;

7           (3) fees for services of peace officer:

8                (A) issuing a written notice to appear in court  
9 for certain violations (Art. 102.011, Code of Criminal Procedure)  
10 . . . \$5;

11               (B) executing or processing an issued arrest  
12 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
13 Procedure) . . . \$50;

14               (C) summoning a witness (Art. 102.011, Code of  
15 Criminal Procedure) . . . \$5;

16               (D) serving a writ not otherwise listed (Art.  
17 102.011, Code of Criminal Procedure) . . . \$35;

18               (E) taking and approving a bond and, if  
19 necessary, returning the bond to courthouse (Art. 102.011, Code of  
20 Criminal Procedure) . . . \$10;

21               (F) commitment or release (Art. 102.011, Code of  
22 Criminal Procedure) . . . \$5;

23               (G) summoning a jury (Art. 102.011, Code of  
24 Criminal Procedure) . . . \$5;

25               (H) attendance of a prisoner in habeas corpus  
26 case if prisoner has been remanded to custody or held to bail (Art.  
27 102.011, Code of Criminal Procedure) . . . \$8 each day;

1 (I) mileage for certain services performed (Art.  
2 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

3 (J) services of a sheriff or constable who serves  
4 process and attends examining trial in certain cases (Art. 102.011,  
5 Code of Criminal Procedure) . . . not to exceed \$5;

6 (4) services of a peace officer in conveying a witness  
7 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
8 \$10 per day or part of a day, plus actual necessary travel expenses;

9 (5) overtime of peace officer for time spent  
10 testifying in the trial or traveling to or from testifying in the  
11 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

12 (6) court costs on an offense relating to rules of the  
13 road, when offense occurs within a school crossing zone (Art.  
14 102.014, Code of Criminal Procedure) . . . \$25;

15 (7) court costs on an offense of passing a school bus  
16 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

17 (8) court costs on an offense of truancy or  
18 contributing to truancy (Art. 102.014, Code of Criminal Procedure)  
19 . . . \$20;

20 (9) cost for visual recording of intoxication arrest  
21 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
22 \$15;

23 (10) cost of certain evaluations (Art. 102.018, Code  
24 of Criminal Procedure) . . . actual cost;

25 (11) additional costs attendant to certain  
26 intoxication convictions under Chapter 49, Penal Code, for  
27 emergency medical services, trauma facilities, and trauma care

1 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

2 (12) additional costs attendant to certain child  
3 sexual assault and related convictions, for child abuse prevention  
4 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

5 (13) court cost for DNA testing for certain felonies  
6 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

7 (14) court cost for DNA testing for the offense of  
8 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of  
9 Criminal Procedure) . . . \$50;

10 (15) court cost for DNA testing for certain felonies  
11 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

12 (16) if required by the court, a restitution fee for  
13 costs incurred in collecting restitution installments and for the  
14 compensation to victims of crime fund (Art. 42.037, Code of  
15 Criminal Procedure) . . . \$12;

16 (17) if directed by the justice of the peace or  
17 municipal court judge hearing the case, court costs on conviction  
18 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
19 . . . part or all of the costs as directed by the judge; ~~and~~

20 (18) costs attendant to convictions under Chapter 49,  
21 Penal Code, and under Chapter 481, Health and Safety Code, to help  
22 fund drug court programs established under Chapter 469, Health and  
23 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60;  
24 and

25 (19) costs attendant to certain convictions involving  
26 an elderly victim (Art. 102.021, Code of Criminal Procedure) . . .  
27 \$100.

1           SECTION 5. Article 102.021, Code of Criminal Procedure, as  
2 added by this Act, applies only to a cost on conviction for an  
3 offense committed on or after the effective date of this Act. An  
4 offense committed before the effective date of this Act is governed  
5 by the law in effect when the offense was committed, and the former  
6 law is continued in effect for that purpose. For purposes of this  
7 section, an offense was committed before the effective date of this  
8 Act if any element of the offense occurred before that date.

9           SECTION 6. This Act takes effect September 1, 2013.