

By: King of Hemphill

H.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county clerk or district clerk to
3 collect certain fees; imposing certain court fees.

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

5 SECTION 1. Article 17.02, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
8 written undertaking entered into by the defendant and the
9 defendant's sureties for the appearance of the principal therein
10 before a court or magistrate to answer a criminal accusation;
11 provided, however, that the defendant on execution of the bail bond
12 may deposit with the custodian of funds of the court in which the
13 prosecution is pending current money of the United States in the
14 amount of the bond in lieu of having sureties signing the same. Any
15 cash funds deposited under this article shall be receipted for by
16 the officer receiving the funds and, on order of the court, be
17 refunded in the amount reflected on the face of the receipt less the
18 administrative fee authorized under Section 117.055, Local
19 Government Code, after the defendant complies with the conditions
20 of the defendant's bond, to:

21 (1) any person in the name of whom a receipt was
22 issued, [~~in the amount reflected on the face of the receipt,~~]
23 including the defendant if a receipt was issued to the defendant; or

24 (2) the defendant, if no other person is able to

1 produce a receipt for the funds.

2 SECTION 2. Article 102.006(a), Code of Criminal Procedure,
3 is amended to read as follows:

4 (a) In addition to any other fees required by other law and
5 except as provided by Subsection (b), a petitioner seeking
6 expunction of a criminal record shall pay the following fees:

7 (1) the fee charged for filing an ex parte petition in
8 a civil action in district court;

9 (2) \$1 plus postage for each certified mailing of
10 notice of the hearing date; ~~and~~

11 (3) \$2 plus postage for each certified mailing of
12 certified copies of an order of expunction;

13 (4) \$4 for each facsimile or e-mail notice of a hearing
14 date; and

15 (5) \$4 for each facsimile or e-mail of a copy of an
16 order of expunction.

17 SECTION 3. Article 102.017(a), Code of Criminal Procedure,
18 is amended to read as follows:

19 (a) A defendant convicted of a felony offense [~~in a district~~
20 ~~court~~] shall pay a \$5 security fee as a cost of court.

21 SECTION 4. Section 51.305(b), Government Code, is amended
22 to read as follows:

23 (b) As part of the county's annual budget, the [~~The~~]
24 commissioners court of a county may adopt a district court records
25 archive fee of not more than \$5 for the filing of a suit, including
26 an appeal from an inferior court, or a cross-action, counterclaim,
27 intervention, contempt action, motion for new trial, or third-party

1 petition, in any [~~a district~~] court in the county for which the
2 district clerk accepts filings [~~as part of the county's annual~~
3 ~~budget. The fee must be set and itemized in the county's budget as~~
4 ~~part of the budget preparation process and must be approved in a~~
5 ~~public meeting~~]. The fee is for preservation and restoration
6 services performed in connection with maintaining a district court
7 records archive.

8 SECTION 5. Section 102.081, Government Code, is amended to
9 read as follows:

10 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
11 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
12 court shall collect fees and costs under the Code of Criminal
13 Procedure on conviction of a defendant as follows:

14 (1) a jury fee (Art. 102.004, Code of Criminal
15 Procedure) . . . \$20;

16 (2) a fee for clerk of the court services (Art.
17 102.005, Code of Criminal Procedure) . . . \$40;

18 (3) a records management and preservation services fee
19 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

20 (4) a county and district court technology fee (Art.
21 102.0169, Code of Criminal Procedure) . . . \$4;

22 (5) a security fee on a misdemeanor offense (Art.
23 102.017, Code of Criminal Procedure) . . . \$3;

24 (6) a juvenile delinquency prevention and graffiti
25 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
26 \$50;

27 (7) a juvenile case manager fee (Art. 102.0174, Code

1 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
2 juvenile case manager; ~~and~~

3 (8) a civil justice fee (Art. 102.022, Code of
4 Criminal Procedure) . . . \$0.10; and

5 (9) a security fee on a felony offense (Art. 102.017,
6 Code of Criminal Procedure) . . . \$5.

7 SECTION 6. Section 51.607, Government Code, does not apply
8 to the imposition of a court cost or fee under this Act.

9 SECTION 7. The change in law made by this Act applies only
10 to a fee that becomes payable on or after the effective date of this
11 Act. A fee that becomes payable before the effective date of this
12 Act is governed by the law in effect when the fee became payable,
13 and the former law is continued in effect for that purpose.

14 SECTION 8. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.