

By: Raymond

H.B. No. 3727

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the fees collected by prosecutors for collection and  
3 processing of certain checks or similar sight orders; authorizing  
4 an increase in fees.

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

6 SECTION 1. Article 102.007(c), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (c) The amount of the fee may not exceed:

9 (1) \$20 [~~\$10~~] if the face amount of the check or sight  
10 order does not exceed \$10;

11 (2) \$30 [~~\$15~~] if the face amount of the check or sight  
12 order is greater than \$10 but does not exceed \$100;

13 (3) \$55 [~~\$30~~] if the face amount of the check or sight  
14 order is greater than \$100 but does not exceed \$300;

15 (4) \$100 [~~\$50~~] if the face amount of the check or sight  
16 order is greater than \$300 but does not exceed \$500; [~~and~~]

17 (5) \$150 [~~\$75~~] if the face amount of the check or sight  
18 order is greater than \$500 but does not exceed \$1,000;

19 (6) \$350 if the face amount of the check or sight order  
20 is greater than \$1,000 but does not exceed \$5,000;

21 (7) \$475 if the face amount of the check or sight order  
22 is greater than \$5,000 but does not exceed \$10,000;

23 (8) \$675 if the face amount of the check or sight order  
24 is greater than \$10,000 but does not exceed \$30,000;

1           (9) \$800 if the face amount of the check or sight order  
2 is greater than \$30,000 but does not exceed \$50,000; and

3           (10) \$1,000 if the face amount of the check or sight  
4 order is greater than \$50,000.

5           SECTION 2. Section 103.021, Government Code, is amended to  
6 read as follows:

7           Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
8 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,  
9 or a party to a civil suit, as applicable, shall pay the following  
10 fees and costs under the Code of Criminal Procedure if ordered by  
11 the court or otherwise required:

12           (1) a personal bond fee (Art. 17.42, Code of Criminal  
13 Procedure) . . . the greater of \$20 or three percent of the amount  
14 of the bail fixed for the accused;

15           (2) cost of electronic monitoring as a condition of  
16 release on personal bond (Art. 17.43, Code of Criminal Procedure)  
17 . . . actual cost;

18           (3) a fee for verification of and monitoring of motor  
19 vehicle ignition interlock (Art. 17.441, Code of Criminal  
20 Procedure) . . . not to exceed \$10;

21           (3-a) costs associated with operating a global  
22 positioning monitoring system as a condition of release on bond  
23 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,  
24 subject to a determination of indigency;

25           (3-b) costs associated with providing a defendant's  
26 victim with an electronic receptor device as a condition of the  
27 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal

1 Procedure) . . . actual costs, subject to a determination of  
2 indigency;

3 (4) repayment of reward paid by a crime stoppers  
4 organization on conviction of a felony (Art. 37.073, Code of  
5 Criminal Procedure) . . . amount ordered;

6 (5) reimbursement to general revenue fund for payments  
7 made to victim of an offense as condition of community supervision  
8 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for  
9 a misdemeanor offense or \$100 for a felony offense;

10 (6) payment to a crime stoppers organization as  
11 condition of community supervision (Art. 42.12, Code of Criminal  
12 Procedure) . . . not to exceed \$50;

13 (7) children's advocacy center fee (Art. 42.12, Code  
14 of Criminal Procedure) . . . not to exceed \$50;

15 (8) family violence center fee (Art. 42.12, Code of  
16 Criminal Procedure) . . . \$100;

17 (9) community supervision fee (Art. 42.12, Code of  
18 Criminal Procedure) . . . not less than \$25 or more than \$60 per  
19 month;

20 (10) additional community supervision fee for certain  
21 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per  
22 month;

23 (11) for certain financially able sex offenders as a  
24 condition of community supervision, the costs of treatment,  
25 specialized supervision, or rehabilitation (Art. 42.12, Code of  
26 Criminal Procedure) . . . all or part of the reasonable and  
27 necessary costs of the treatment, supervision, or rehabilitation as

1 determined by the judge;

2 (12) fee for failure to appear for trial in a justice  
3 or municipal court if a jury trial is not waived (Art. 45.026, Code  
4 of Criminal Procedure) . . . costs incurred for impaneling the  
5 jury;

6 (13) costs of certain testing, assessments, or  
7 programs during a deferral period (Art. 45.051, Code of Criminal  
8 Procedure) . . . amount ordered;

9 (14) special expense on dismissal of certain  
10 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)  
11 . . . not to exceed amount of fine assessed;

12 (15) an additional fee:

13 (A) for a copy of the defendant's driving record  
14 to be requested from the Department of Public Safety by the judge  
15 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal  
16 to the sum of the fee established by Section 521.048,  
17 Transportation Code, and the state electronic Internet portal fee;

18 (B) as an administrative fee for requesting a  
19 driving safety course or a course under the motorcycle operator  
20 training and safety program for certain traffic offenses to cover  
21 the cost of administering the article (Art. 45.0511(f)(1), Code of  
22 Criminal Procedure) . . . not to exceed \$10; or

23 (C) for requesting a driving safety course or a  
24 course under the motorcycle operator training and safety program  
25 before the final disposition of the case (Art. 45.0511(f)(2), Code  
26 of Criminal Procedure) . . . not to exceed the maximum amount of the  
27 fine for the offense committed by the defendant;

1           (16) a request fee for teen court program (Art.  
2 45.052, Code of Criminal Procedure) . . . \$20, if the court  
3 ordering the fee is located in the Texas-Louisiana border region,  
4 but otherwise not to exceed \$10;

5           (17) a fee to cover costs of required duties of teen  
6 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the  
7 court ordering the fee is located in the Texas-Louisiana border  
8 region, but otherwise \$10;

9           (18) a mileage fee for officer performing certain  
10 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per  
11 mile;

12           (19) certified mailing of notice of hearing date (Art.  
13 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

14           (20) certified mailing of certified copies of an order  
15 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,  
16 plus postage;

17           (20-a) a fee to defray the cost of notifying state  
18 agencies of orders of expungement (Art. 45.0216, Code of Criminal  
19 Procedure) . . . \$30 per application;

20           (20-b) a fee to defray the cost of notifying state  
21 agencies of orders of expunction (Art. 45.055, Code of Criminal  
22 Procedure) . . . \$30 per application;

23           (21) sight orders:

24                   (A) if the face amount of the check or sight order  
25 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)  
26 . . . not to exceed \$20 [~~\$10~~];

27                   (B) if the face amount of the check or sight order

1 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of  
2 Criminal Procedure) . . . not to exceed \$30 [~~\$15~~];

3 (C) if the face amount of the check or sight order  
4 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of  
5 Criminal Procedure) . . . not to exceed \$55 [~~\$30~~];

6 (D) if the face amount of the check or sight order  
7 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of  
8 Criminal Procedure) . . . not to exceed \$100 [~~\$50~~]; [~~and~~]

9 (E) if the face amount of the check or sight order  
10 is greater than \$500 but does not exceed \$1,000 (Art. 102.007, Code  
11 of Criminal Procedure) . . . not to exceed \$150 [~~\$75~~];

12 (F) if the face amount of the check or sight order  
13 is greater than \$1,000 but does not exceed \$5,000 (Art. 102.007,  
14 Code of Criminal Procedure) . . . not to exceed \$350;

15 (G) if the face amount of the check or sight order  
16 is greater than \$5,000 but does not exceed \$10,000 (Art. 102.007,  
17 Code of Criminal Procedure) . . . not to exceed \$475;

18 (H) if the face amount of the check or sight order  
19 is greater than \$10,000 but does not exceed \$30,000 (Art. 102.007,  
20 Code of Criminal Procedure) . . . not to exceed \$675;

21 (I) if the face amount of the check or sight order  
22 is greater than \$30,000 but does not exceed \$50,000 (Art. 102.007,  
23 Code of Criminal Procedure) . . . not to exceed \$800; and

24 (J) if the face amount of the check or sight order  
25 is greater than \$50,000 (Art. 102.007, Code of Criminal Procedure)  
26 . . . not to exceed \$1,000;

27 (22) fees for a pretrial intervention program:

1 (A) a supervision fee (Art. 102.012(a), Code of  
2 Criminal Procedure) . . . \$60 a month plus expenses; and

3 (B) a district attorney, criminal district  
4 attorney, or county attorney administrative fee (Art. 102.0121,  
5 Code of Criminal Procedure) . . . not to exceed \$500;

6 (23) parking fee violations for child safety fund in  
7 municipalities with populations:

8 (A) greater than 850,000 (Art. 102.014, Code of  
9 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

10 (B) less than 850,000 (Art. 102.014, Code of  
11 Criminal Procedure) . . . not to exceed \$5;

12 (24) an administrative fee for collection of fines,  
13 fees, restitution, or other costs (Art. 102.072, Code of Criminal  
14 Procedure) . . . not to exceed \$2 for each transaction; and

15 (25) a collection fee, if authorized by the  
16 commissioners court of a county or the governing body of a  
17 municipality, for certain debts and accounts receivable, including  
18 unpaid fines, fees, court costs, forfeited bonds, and restitution  
19 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30  
20 percent of an amount more than 60 days past due.

21 SECTION 3. The change in law made by this Act applies only  
22 to a check or sight order issued or passed on or after the effective  
23 date of this Act. A check or sight order issued or passed before the  
24 effective date of this Act is covered by the law in effect at the  
25 time of issuance or passing of the check or sight order, and the  
26 former law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2013.