

By: West

S.B. No. 1420

A BILL TO BE ENTITLED

AN ACT

relating to court costs and fees in criminal proceedings.

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

SECTION 1. Chapter 102, Government Code, is transferred to Subtitle B, Title 3, Local Government Code, redesignated as Chapter 82A, Local Government Code, and amended to read as follows:

CHAPTER 82A [~~102~~]. COURT COSTS IN CRIMINAL PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 82A.001 [~~102.001~~]. APPLICABILITY OF OTHER LAW. [~~(a)~~]

To the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

~~[(b) The organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure does not:~~

~~[(1) affect a duty imposed on or the authority granted to a judge or clerk of a court by any other state statute with respect to the imposition, assessment, or collection of the fee or cost, or~~

~~[(2) impose a duty on or grant authority to a judge or clerk of a court not otherwise imposed or granted by other law with respect to the imposition, assessment, or collection of the fee or cost.]~~

SUBCHAPTER B. COURT COSTS ON CONVICTION

Sec. 82A.051 [~~102.021~~]. COURT COSTS ON CONVICTION: CODE OF

1 CRIMINAL PROCEDURE. A person convicted of an offense shall pay the
2 following under the Code of Criminal Procedure, in addition to all
3 other costs:

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

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

10 (3) fees for services of peace officer:

11 (A) issuing a written notice to appear in court
12 for certain violations (Art. 102.011, Code of Criminal Procedure)
13 . . . \$5;

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

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

19 (D) serving a writ not otherwise listed (Art.
20 102.011, Code of Criminal Procedure) . . . \$35;

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

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

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

1 (H) attendance of a prisoner in habeas corpus
2 case if prisoner has been remanded to custody or held to bail (Art.
3 102.011, Code of Criminal Procedure) . . . \$8 each day;

4 (I) mileage for certain services performed (Art.
5 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

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

9 (4) services of a peace officer in conveying a witness
10 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
11 \$10 per day or part of a day, plus actual necessary travel expenses;

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

15 (6) court costs on an offense relating to rules of the
16 road, when offense occurs within a school crossing zone (Art.
17 102.014, Code of Criminal Procedure) . . . \$25;

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

20 (8) court costs on an offense of truancy or
21 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
22 . . . \$20;

23 (9) cost for visual recording of intoxication arrest
24 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
25 \$15;

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

1 (11) additional costs attendant to certain
2 intoxication convictions under Chapter 49, Penal Code, for
3 emergency medical services, trauma facilities, and trauma care
4 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

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

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

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

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

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

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

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

27 Sec. 82A.052 [~~102.0211~~]. COURT COSTS ON

1 CONVICTION: GOVERNMENT CODE. A person convicted of an offense
2 shall pay the following under the Government Code, in addition to
3 all other costs:

4 (1) court costs on certain convictions in statutory
5 county courts (Sec. 51.702, Government Code) . . . \$15; and

6 (2) court costs on certain convictions in certain
7 county courts (Sec. 51.703, Government Code) . . . \$15.

8 Sec. 82A.053 [~~102.0212~~]. COURT COSTS ON CONVICTION: LOCAL
9 GOVERNMENT CODE. A person convicted of an offense shall pay the
10 following under the Local Government Code, in addition to all other
11 costs:

12 (1) court costs on conviction of a felony (Sec.
13 133.102, Local Government Code) . . . \$133;

14 (2) court costs on conviction of a Class A or Class B
15 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

16 (3) court costs on conviction of a nonjailable
17 misdemeanor offense, including a criminal violation of a municipal
18 ordinance, other than a conviction of an offense relating to a
19 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
20 Government Code) . . . \$40;

21 (4) a time payment fee if convicted of a felony or
22 misdemeanor for paying any part of a fine, court costs, or
23 restitution on or after the 31st day after the date on which a
24 judgment is entered assessing the fine, court costs, or restitution
25 (Sec. 133.103, Local Government Code) . . . \$25;

26 (5) a cost on conviction of any offense, other than an
27 offense relating to a pedestrian or the parking of a motor vehicle

1 (Sec. 133.105, Local Government Code) . . . \$6; and

2 (6) a cost on conviction of any offense, other than an
3 offense relating to a pedestrian or the parking of a motor vehicle
4 (Sec. 133.107, Local Government Code) . . . \$2.

5 Sec. 82A.054 [~~102.0213~~]. COURT COSTS ON
6 CONVICTION: TRANSPORTATION CODE. A person convicted of an offense
7 shall pay the following under the Transportation Code, in addition
8 to all other costs:

9 (1) court cost on conviction of a misdemeanor under
10 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
11 Transportation Code) . . . \$3;

12 (2) cost for impoundment of vehicle (Sec. 601.263,
13 Transportation Code) . . . \$15 per day; and

14 (3) a civil and criminal enforcement cost on
15 conviction of an offense of, or related to, the nonpayment of a toll
16 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1.

17 Sec. 82A.055 [~~102.0214~~]. COURT COSTS ON CONVICTION: PARKS
18 AND WILDLIFE CODE. A person convicted of an offense shall pay under
19 Section 12.110, Parks and Wildlife Code, in addition to all other
20 costs, the actual cost of any storage, care, feeding, cold
21 storage, or processing necessary for an unlawfully taken, shipped,
22 or possessed game bird, fowl, animal, game fish, or exotic animal.

23 SUBCHAPTER C. CRIMINAL COURT COSTS IN DISTRICT COURT

24 Sec. 82A.101 [~~102.041~~]. ADDITIONAL COURT COSTS ON
25 CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The
26 clerk of a district court shall collect fees and costs under the
27 Code of Criminal Procedure on conviction of a defendant as follows:

- 1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) . . . \$20;
- 3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) . . . \$40;
- 5 (3) a records management and preservation services fee
6 (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- 7 (4) a county and district court technology fee (Art.
8 102.0169, Code of Criminal Procedure) . . . \$4;
- 9 (5) a security fee on a felony offense (Art. 102.017,
10 Code of Criminal Procedure) . . . \$5;
- 11 (6) a security fee on a misdemeanor offense (Art.
12 102.017, Code of Criminal Procedure) . . . \$3; and
- 13 (7) a juvenile delinquency prevention and graffiti
14 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
15 \$50.

16 Sec. 82A.102 [~~102.042~~]. ADDITIONAL COURT COSTS ON
17 CONVICTION IN DISTRICT COURT: HUMAN RESOURCES CODE. The clerk of a
18 district court shall collect from a defendant a court cost of \$4
19 under Section 152.0522, Human Resources Code, on conviction in
20 Comal County.

21 SUBCHAPTER D. CRIMINAL COURT COSTS IN STATUTORY COUNTY COURT

22 Sec. 82A.151 [~~102.061~~]. ADDITIONAL COURT COSTS ON
23 CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL
24 PROCEDURE. The clerk of a statutory county court shall collect
25 fees and costs under the Code of Criminal Procedure on conviction of
26 a defendant as follows:

- 27 (1) a jury fee (Art. 102.004, Code of Criminal

1 Procedure) . . . \$20;

2 (2) a fee for services of the clerk of the court (Art.
3 102.005, Code of Criminal Procedure) . . . \$40;

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

6 (4) a county and district court technology fee (Art.
7 102.0169, Code of Criminal Procedure) . . . \$4;

8 (5) a security fee on a misdemeanor offense (Art.
9 102.017, Code of Criminal Procedure) . . . \$3;

10 (6) a juvenile delinquency prevention and graffiti
11 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
12 \$50;

13 (7) a juvenile case manager fee (Art. 102.0174, Code
14 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
15 juvenile case manager; and

16 (8) a civil justice fee (Art. 102.022, Code of
17 Criminal Procedure) . . . \$0.10.

18 Sec. 82A.152 [~~102.062~~]. ADDITIONAL COURT COSTS ON
19 CONVICTION IN STATUTORY COUNTY COURT: HUMAN RESOURCES CODE. The
20 clerk of a statutory county court shall collect from a defendant a
21 court cost of \$4 under Section 152.0522, Human Resources Code, on
22 conviction in Comal County.

23 SUBCHAPTER E. CRIMINAL COURT COSTS IN COUNTY COURT

24 Sec. 82A.201 [~~102.081~~]. ADDITIONAL COURT COSTS ON
25 CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The
26 clerk of a county court shall collect fees and costs under the Code
27 of Criminal Procedure on conviction of a defendant as follows:

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

3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) . . . \$40;

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

7 (4) a county and district court technology fee (Art.
8 102.0169, Code of Criminal Procedure) . . . \$4;

9 (5) a security fee on a misdemeanor offense (Art.
10 102.017, Code of Criminal Procedure) . . . \$3;

11 (6) a juvenile delinquency prevention and graffiti
12 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
13 \$50;

14 (7) a juvenile case manager fee (Art. 102.0174, Code
15 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
16 juvenile case manager; and

17 (8) a civil justice fee (Art. 102.022, Code of
18 Criminal Procedure) . . . \$0.10.

19 SUBCHAPTER F. CRIMINAL COURT COSTS IN JUSTICE COURT

20 Sec. 82A.251 [~~102.101~~]. ADDITIONAL COURT COSTS ON
21 CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk
22 of a justice court shall collect fees and costs under the Code of
23 Criminal Procedure on conviction of a defendant as follows:

24 (1) a jury fee (Art. 102.004, Code of Criminal
25 Procedure) . . . \$3;

26 (2) a fee for withdrawing request for jury less than 24
27 hours before time of trial (Art. 102.004, Code of Criminal

1 Procedure) . . . \$3;

2 (3) a jury fee for two or more defendants tried jointly
3 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

4 (4) a security fee on a misdemeanor offense (Art.
5 102.017, Code of Criminal Procedure) . . . \$4;

6 (5) a fee for technology fund on a misdemeanor offense
7 (Art. 102.0173, Code of Criminal Procedure) . . . \$4;

8 (6) a juvenile case manager fee (Art. 102.0174, Code
9 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
10 juvenile case manager;

11 (7) a fee on conviction of certain offenses involving
12 issuing or passing a subsequently dishonored check (Art. 102.0071,
13 Code of Criminal Procedure) . . . not to exceed \$30;

14 (8) a court cost on conviction of a Class C misdemeanor
15 in a county with a population of 3.3 million or more, if authorized
16 by the county commissioners court (Art. 102.009, Code of Criminal
17 Procedure) . . . not to exceed \$7; and

18 (9) a civil justice fee (Art. 102.022, Code of
19 Criminal Procedure) . . . \$0.10.

20 Sec. 82A.252 [~~102.102~~]. ADDITIONAL COURT COSTS ON
21 CONVICTION IN JUSTICE COURT: BUSINESS & COMMERCE CODE. The clerk
22 of a justice court shall collect from a defendant a court cost not
23 to exceed \$30 under Section 3.506, Business & Commerce Code, on
24 conviction of certain offenses involving issuing or passing a
25 subsequently dishonored check.

26 Sec. 82A.253 [~~102.103~~]. ADDITIONAL COURT COSTS ON
27 CONVICTION IN JUSTICE COURT: HUMAN RESOURCES CODE. A clerk of a

1 justice court shall collect from a defendant a court cost of \$1.50
2 under Section 152.0522, Human Resources Code, on conviction in
3 Comal County.

4 SUBCHAPTER G. CRIMINAL COURT COSTS IN MUNICIPAL COURT

5 Sec. 82A.301 [~~102.121~~]. ADDITIONAL COURT COSTS ON
6 CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The
7 clerk of a municipal court shall collect fees and costs on
8 conviction of a defendant as follows:

9 (1) a jury fee (Art. 102.004, Code of Criminal
10 Procedure) . . . \$3;

11 (2) a fee for withdrawing request for jury less than 24
12 hours before time of trial (Art. 102.004, Code of Criminal
13 Procedure) . . . \$3;

14 (3) a jury fee for two or more defendants tried jointly
15 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

16 (4) a security fee on a misdemeanor offense (Art.
17 102.017, Code of Criminal Procedure) . . . \$3;

18 (5) a fee for technology fund on a misdemeanor offense
19 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;

20 (6) a juvenile case manager fee (Art. 102.0174, Code
21 of Criminal Procedure) . . . not to exceed \$5 if the municipality
22 employs a juvenile case manager; and

23 (7) a civil justice fee (Art. 102.022, Code of
24 Criminal Procedure) . . . \$0.10.

25 SUBCHAPTER H. CRIMINAL COURT COSTS IN MUNICIPAL COURT OF RECORD

26 Sec. 82A.351 [~~102.141~~]. ADDITIONAL COURT COSTS IN
27 MUNICIPAL COURT OF RECORD: CODE OF CRIMINAL PROCEDURE. The clerk of

1 a municipal court of record shall collect from a defendant on
2 conviction of a misdemeanor offense a fee of not more than \$4 under
3 Article 102.0172, Code of Criminal Procedure, for the technology
4 fund.

5 Sec. 82A.352 [~~102.142~~]. ADDITIONAL COURT COSTS IN
6 MUNICIPAL COURT OF RECORD: GOVERNMENT CODE. The clerk of a
7 municipal court of record shall collect the following fees and
8 costs:

- 9 (1) from an appellant, a fee for preparation of the
10 clerk's record (Sec. 30.00014, Government Code) . . . \$25; and
- 11 (2) from an appellant in the City of El Paso, an
12 appellate court docket fee (Sec. 30.00147, Government Code) . . .
13 \$25.

14 SECTION 2. (a) The Office of Court Administration of the
15 Texas Judicial System shall conduct a study on criminal court costs
16 and fees in this state and develop recommendations on improving
17 court cost and fee assessment and collection for criminal
18 defendants.

19 (b) The study described by Subsection (a) of this section
20 must assess the feasibility and desirability of:

- 21 (1) basing the amount of criminal court costs and fees
22 solely on the grade of offense;
- 23 (2) consolidating statutory references to criminal
24 court costs and fees;
- 25 (3) increasing criminal court costs and fees based on
26 cost-of-living increases through rulemaking; and
- 27 (4) providing training to judges, clerks, and other

1 court personnel on criminal court costs and fees.

2 (c) Not later than January 1, 2015, the Office of Court
3 Administration of the Texas Judicial System shall submit to the
4 legislature a report based on the study required by this section.
5 The report must include any legislative recommendations for
6 improving criminal court cost and fee assessment and collection for
7 criminal defendants in this state.

8 (d) This section expires January 31, 2015.

9 SECTION 3. Chapter 82A, Local Government Code, as added by
10 this Act, applies to a court cost or fee imposed on or after the
11 effective date of this Act, regardless of whether the offense for
12 which the cost or fee was imposed was committed before, on, or after
13 that date.

14 SECTION 4. This Act takes effect January 1, 2014.