

BILL ANALYSIS

Senate Research Center

S.B. 740
By: West
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Criminal defendants are often convicted of multiple counts of an offense or offenses in a single criminal action/case. In Attorney General Opinion No. GA-1063 (2014), the Texas attorney general addressed the assessment of criminal court costs in such multiple-count criminal actions and suggested that costs not based on the performance of a particular service should be assessed on each count. Since criminal court costs are “a nonpunitive recoupment of the costs of judicial resources expended in connection with the trial of [a] case” (*Weir v. State*, 278 S.W.3d 364, 366-67 (Tex. Crim.App. 2009)), the assessment of court costs on each count is unnecessary to recoup the costs of judicial resources expended in connection with the trial of the case.

S.B. 740 provides that in a single criminal action in which a defendant is convicted of two or more offenses, or of multiple counts of the same offense, the court may assess each court cost or fee only once against the defendant. In this situation, each court cost or fee for which the amount is determined according to the category of offense must be assessed using the highest category of offense that is possible based on the defendant’s convictions.

S.B. 740 amends current law relating to the assessment of court costs and fees on conviction of multiple offenses or on conviction of multiple counts of the same offense.

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 C, Chapter 102, Code of Criminal Procedure, by adding Article 102.073, as follows:

Art. 102.073. ASSESSMENT OF COURT COSTS AND FEES IN A SINGLE CRIMINAL ACTION. (a) Authorizes the court to assess each court cost or fee only once against the defendant in a single criminal action in which a defendant is convicted of two or more offenses or of multiple counts of the same offense.

(b) Requires each court cost or fee, the amount of which is determined according to the category of offense, to be, in a criminal action described by Subsection (a), assessed using the highest category of offense that is possible based on the defendant's convictions.

(c) Provides that this article does not apply to a single criminal action alleging only the commission of two or more offenses punishable by fine only.

SECTION 2. Provides that the change in law made by this Act applies to a court cost or fee imposed on or after the effective date of this Act, regardless of whether the offense for which the cost or fee was imposed was committed before, on, or after that date.

SECTION 3. Effective date: September 1, 2015.