

By: Raymond

H.B. No. 1291

A BILL TO BE ENTITLED

AN ACT

relating to the fees collected by prosecutors for collection and processing of certain checks or similar sight orders.

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

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

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

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

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

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

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

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

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

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

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

(9) \$800 if the face amount of the check or sight order

1 is greater than \$30,000 but does not exceed \$50,000; and
2 (10) \$1,000 if the face amount of the check or sight
3 order is greater than \$50,000.

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

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

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

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

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

20 (3-a) costs associated with operating a global
21 positioning monitoring system as a condition of release on bond
22 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
23 subject to a determination of indigency;

24 (3-b) costs associated with providing a defendant's
25 victim with an electronic receptor device as a condition of the
26 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
27 Procedure) . . . actual costs, subject to a determination of

1 indigency;

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

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

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

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

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

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

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

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

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

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

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

10 (15) an additional fee:

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

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

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

26 (16) a request fee for teen court program (Art.
27 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering

1 the fee is located in the Texas-Louisiana border region, but
2 otherwise not to exceed \$10;

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

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

10 (19) certified mailing of notice of hearing date (Art.
11 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

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

15 (20-a) a fee to defray the cost of notifying state
16 agencies of orders of expungement (Art. 45.0216, Code of Criminal
17 Procedure) . . . \$30 per application;

18 (20-b) a fee to defray the cost of notifying state
19 agencies of orders of expunction (Art. 45.055, Code of Criminal
20 Procedure) . . . \$30 per application;

21 (21) sight orders:

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

25 (B) if the face amount of the check or sight order
26 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
27 Criminal Procedure) . . . not to exceed \$30 [~~\$15~~];

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

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

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

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

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

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

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

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

25 (22) fees for a pretrial intervention program:

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

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

4 (23) parking fee violations for child safety fund in
5 municipalities with populations:

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

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

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

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

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

25 SECTION 4. This Act takes effect September 1, 2015.