

By: Lucio

S.B. No. 537

A BILL TO BE ENTITLED

AN ACT

relating to a fee imposed as a condition of community supervision for certain sexual offenses involving a child victim.

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

SECTION 1. Section 11(g), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(g) A judge who grants community supervision to a person shall ~~may~~ require the person to pay \$100 ~~[make one payment in an amount not to exceed \$50]~~ to a children's advocacy center established under Subchapter E, Chapter 264, Family Code, if the person is charged with or convicted of an offense under Section 21.11 or 22.011(a)(2), Penal Code.

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

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

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

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

1 . . . actual cost;

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

5 (3-a) costs associated with operating a global
6 positioning monitoring system as a condition of release on bond
7 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
8 subject to a determination of indigency;

9 (3-b) costs associated with providing a defendant's
10 victim with an electronic receptor device as a condition of the
11 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
12 Procedure) . . . actual costs, subject to a determination of
13 indigency;

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

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

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

24 (7) children's advocacy center fee (Art. 42.12, Code
25 of Criminal Procedure) . . . \$100 [~~not to exceed \$50~~];

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

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

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

7 (11) for certain financially able sex offenders as a
8 condition of community supervision, the costs of treatment,
9 specialized supervision, or rehabilitation (Art. 42.12, Code of
10 Criminal Procedure) . . . all or part of the reasonable and
11 necessary costs of the treatment, supervision, or rehabilitation as
12 determined by the judge;

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

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

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

23 (15) an additional fee:

24 (A) for a copy of the defendant's driving record
25 to be requested from the Department of Public Safety by the judge
26 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
27 to the sum of the fee established by Section 521.048,

1 Transportation Code, and the state electronic Internet portal fee;

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

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

12 (16) a request fee for teen court program (Art.
13 45.052, Code of Criminal Procedure) . . . \$20, if the court
14 ordering the fee is located in the Texas-Louisiana border region,
15 but otherwise not to exceed \$10;

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

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

23 (19) certified mailing of notice of hearing date (Art.
24 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

25 (20) certified mailing of certified copies of an order
26 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
27 plus postage;

1 (20-a) a fee to defray the cost of notifying state
2 agencies of orders of expungement (Art. 45.0216, Code of Criminal
3 Procedure) . . . \$30 per application;

4 (20-b) a fee to defray the cost of notifying state
5 agencies of orders of expunction (Art. 45.055, Code of Criminal
6 Procedure) . . . \$30 per application;

7 (21) sight orders:

8 (A) if the face amount of the check or sight order
9 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
10 . . . not to exceed \$10;

11 (B) if the face amount of the check or sight order
12 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
13 Criminal Procedure) . . . not to exceed \$15;

14 (C) if the face amount of the check or sight order
15 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
16 Criminal Procedure) . . . not to exceed \$30;

17 (D) if the face amount of the check or sight order
18 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
19 Criminal Procedure) . . . not to exceed \$50; and

20 (E) if the face amount of the check or sight order
21 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
22 . . . not to exceed \$75;

23 (22) fees for a pretrial intervention program:

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

26 (B) a district attorney, criminal district
27 attorney, or county attorney administrative fee (Art. 102.0121,

1 Code of Criminal Procedure) . . . not to exceed \$500;

2 (23) parking fee violations for child safety fund in
3 municipalities with populations:

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

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

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

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

17 SECTION 3. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

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