

By: Taylor of Galveston

S.B. No. 698

A BILL TO BE ENTITLED

AN ACT

relating to increasing the maximum amount of a fee for verification or monitoring of an ignition interlock device as a condition of bond for certain intoxication offenders.

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

SECTION 1. Article 17.441(d), Code of Criminal Procedure, is amended to read as follows:

(d) The magistrate may designate an appropriate agency to verify the installation of the device and to monitor the device. If the magistrate designates an agency under this subsection, in each month during which the agency verifies the installation of the device or provides a monitoring service the defendant shall pay a fee to the designated agency in the amount set by the magistrate. The defendant shall pay the initial fee at the time the agency verifies the installation of the device. In each subsequent month during which the defendant is required to pay a fee the defendant shall pay the fee on the first occasion in that month that the agency provides a monitoring service. The magistrate shall set the fee in an amount not to exceed \$30 [~~\$10~~] as determined by the county auditor, or by the commissioners court of the county if the county does not have a county auditor, to be sufficient to cover the cost incurred by the designated agency in conducting the verification or providing the monitoring service, as applicable in that county.

SECTION 2. Section 103.021, Government Code, is amended to

1 read as follows:

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

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

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

13           (3) a fee for verification of and monitoring of motor  
14 vehicle ignition interlock (Art. 17.441, Code of Criminal  
15 Procedure) . . . not to exceed \$30 [~~\$10~~];

16           (3-a) costs associated with operating a global  
17 positioning monitoring system as a condition of release on bond  
18 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,  
19 subject to a determination of indigency;

20           (3-b) costs associated with providing a defendant's  
21 victim with an electronic receptor device as a condition of the  
22 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal  
23 Procedure) . . . actual costs, subject to a determination of  
24 indigency;

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

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

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

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

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

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

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

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

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

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

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

7           (15) an additional fee:

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

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

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

23           (16) a request fee for teen court program (Art.  
24 45.052, Code of Criminal Procedure) . . . \$20, if the court  
25 ordering the fee is located in the Texas-Louisiana border region,  
26 but otherwise not to exceed \$10;

27           (17) a fee to cover costs of required duties of teen

1 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the  
2 court ordering the fee is located in the Texas-Louisiana border  
3 region, but otherwise \$10;

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

7 (19) certified mailing of notice of hearing date (Art.  
8 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

9 (20) certified mailing of certified copies of an order  
10 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,  
11 plus postage;

12 (20-a) a fee to defray the cost of notifying state  
13 agencies of orders of expungement (Art. 45.0216, Code of Criminal  
14 Procedure) . . . \$30 per application;

15 (20-b) a fee to defray the cost of notifying state  
16 agencies of orders of expunction (Art. 45.055, Code of Criminal  
17 Procedure) . . . \$30 per application;

18 (21) sight orders:

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

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

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

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

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

7 (22) fees for a pretrial intervention program:

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

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

13 (23) parking fee violations for child safety fund in  
14 municipalities with populations:

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

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

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

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

1           SECTION 3. The change in law made by this Act applies to a  
2 fee imposed under Article [17.441](#)(d), Code of Criminal Procedure, as  
3 amended by this Act, on or after the effective date of this Act,  
4 regardless of whether the underlying offense was committed before,  
5 on, or after the effective date of this Act.

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