

By: Walle

H.B. No. 2769

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the elimination of administrative fees for certain
3 transactions relating to the collection of fines, fees,
4 restitution, and other court costs in criminal cases.

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

6 SECTION 1. Section 103.021, Government Code, is amended to
7 read as follows:

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

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

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

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

22 (3-a) costs associated with operating a global
23 positioning monitoring system as a condition of release on bond
24 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,

1 subject to a determination of indigency;

2 (3-b) costs associated with providing a defendant's
3 victim with an electronic receptor device as a condition of the
4 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
5 Procedure) . . . actual costs, subject to a determination of
6 indigency;

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

10 (5) reimbursement to general revenue fund for payments
11 made to victim of an offense as condition of community supervision
12 (Chapter 42A, Code of Criminal Procedure) . . . not to exceed \$50
13 for a misdemeanor offense or \$100 for a felony offense;

14 (6) payment to a crime stoppers organization as
15 condition of community supervision (Chapter 42A, Code of Criminal
16 Procedure) . . . not to exceed \$50;

17 (7) children's advocacy center fee (Chapter 42A, Code
18 of Criminal Procedure) . . . not to exceed \$50;

19 (8) family violence center fee (Chapter 42A, Code of
20 Criminal Procedure) . . . \$100;

21 (9) community supervision fee (Chapter 42A, Code of
22 Criminal Procedure) . . . not less than \$25 or more than \$60 per
23 month;

24 (10) additional community supervision fee for certain
25 offenses (Chapter 42A, Code of Criminal Procedure) . . . \$5 per
26 month;

27 (11) for certain financially able sex offenders as a

1 condition of community supervision, the costs of treatment,
2 specialized supervision, or rehabilitation (Chapter 42A, Code of
3 Criminal Procedure) . . . all or part of the reasonable and
4 necessary costs of the treatment, supervision, or rehabilitation as
5 determined by the judge;

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

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

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

16 (15) an additional fee:

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

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

27 (C) for requesting a driving safety course or a

1 course under the motorcycle operator training and safety program
2 before the final disposition of the case (Art. 45.0511(f)(2), Code
3 of Criminal Procedure) . . . not to exceed the maximum amount of the
4 fine for the offense committed by the defendant;

5 (16) a request fee for teen court program (Art.
6 45.052, Code of Criminal Procedure) . . . \$20, if the court
7 ordering the fee is located in the Texas-Louisiana border region,
8 but otherwise not to exceed \$10;

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

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

16 (19) certified mailing of notice of hearing date (Art.
17 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

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

21 (20-a) a fee to defray the cost of notifying state
22 agencies of orders of expungement (Art. 45.0216, Code of Criminal
23 Procedure) . . . \$30 per application;

24 (21) sight orders:

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

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

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

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

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

13 (22) fees for a pretrial intervention program:

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

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

19 (23) parking fee violations for child safety fund in
20 municipalities with populations:

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

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

25 ~~(24) [an administrative fee for collection of fines,~~
26 ~~fees, restitution, or other costs (Art. 102.072, Code of Criminal~~
27 ~~Procedure) . . . not to exceed \$2 for each transaction,~~

1 [~~25~~] a collection fee, if authorized by the
2 commissioners court of a county or the governing body of a
3 municipality, for certain debts and accounts receivable, including
4 unpaid fines, fees, court costs, forfeited bonds, and restitution
5 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
6 percent of an amount more than 60 days past due; and

7 (25) [~~26~~] a cost on conviction for the truancy
8 prevention and diversion fund (Art. 102.015, Code of Criminal
9 Procedure) . . . \$2.

10 SECTION 2. Article 102.072, Code of Criminal Procedure, is
11 repealed.

12 SECTION 3. The change in law made by this Act applies only
13 to a transaction that occurs on or after the effective date of this
14 Act. A transaction that occurs before the effective date of this
15 Act is governed by the law in effect on the date the transaction
16 occurred, and the former law is continued in effect for that
17 purpose.

18 SECTION 4. This Act takes effect September 1, 2017.