

By: Perry

S.B. No. 342

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amount of the fee paid by a defendant for a peace
3 officer's services in executing or processing an arrest warrant,
4 *capias*, or *capias pro fine*.

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

6 SECTION 1. Article 102.011(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) A defendant convicted of a felony or a misdemeanor shall
9 pay the following fees for services performed in the case by a peace
10 officer:

11 (1) \$5 for issuing a written notice to appear in court
12 following the defendant's violation of a traffic law, municipal
13 ordinance, or penal law of this state, or for making an arrest
14 without a warrant;

15 (2) \$75 [~~\$50~~] for executing or processing an issued
16 arrest warrant, *capias*, or *capias pro fine* with the fee imposed for
17 the services of:

18 (A) the law enforcement agency that executed the
19 arrest warrant or *capias*, if the agency requests of the court, not
20 later than the 15th day after the date of the execution of the
21 arrest warrant or *capias*, the imposition of the fee on conviction;
22 or

23 (B) the law enforcement agency that processed the
24 arrest warrant or *capias*, if:

1 (i) the arrest warrant or capias was not
2 executed; or

3 (ii) the executing law enforcement agency
4 failed to request the fee within the period required by Paragraph
5 (A) [~~of this subdivision~~];

6 (3) \$5 for summoning a witness;

7 (4) \$35 for serving a writ not otherwise listed in this
8 article;

9 (5) \$10 for taking and approving a bond and, if
10 necessary, returning the bond to the courthouse;

11 (6) \$5 for commitment or release;

12 (7) \$5 for summoning a jury, if a jury is summoned; and

13 (8) \$8 for each day's attendance of a prisoner in a
14 habeas corpus case if the prisoner has been remanded to custody or
15 held to bail.

16 SECTION 2. Section [102.021](#), Government Code, is amended to
17 read as follows:

18 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
19 PROCEDURE. A person convicted of an offense shall pay the following
20 under the Code of Criminal Procedure, in addition to all other
21 costs:

22 (1) court cost on conviction of any offense, other
23 than a conviction of an offense relating to a pedestrian or the
24 parking of a motor vehicle (Art. [102.0045](#), Code of Criminal
25 Procedure) . . . \$4;

26 (2) a fee for services of prosecutor (Art. [102.008](#),
27 Code of Criminal Procedure) . . . \$25;

- 1 (3) fees for services of peace officer:
- 2 (A) issuing a written notice to appear in court
- 3 for certain violations (Art. [102.011](#), Code of Criminal Procedure)
- 4 . . . \$5;
- 5 (B) executing or processing an issued arrest
- 6 warrant, *capias*, or *capias pro fine* (Art. [102.011](#), Code of Criminal
- 7 Procedure) . . . \$75 [~~\$50~~];
- 8 (C) summoning a witness (Art. [102.011](#), Code of
- 9 Criminal Procedure) . . . \$5;
- 10 (D) serving a writ not otherwise listed (Art.
- 11 [102.011](#), Code of Criminal Procedure) . . . \$35;
- 12 (E) taking and approving a bond and, if
- 13 necessary, returning the bond to courthouse (Art. [102.011](#), Code of
- 14 Criminal Procedure) . . . \$10;
- 15 (F) commitment or release (Art. [102.011](#), Code of
- 16 Criminal Procedure) . . . \$5;
- 17 (G) summoning a jury (Art. [102.011](#), Code of
- 18 Criminal Procedure) . . . \$5;
- 19 (H) attendance of a prisoner in habeas corpus
- 20 case if prisoner has been remanded to custody or held to bail (Art.
- 21 [102.011](#), Code of Criminal Procedure) . . . \$8 each day;
- 22 (I) mileage for certain services performed (Art.
- 23 [102.011](#), Code of Criminal Procedure) . . . \$0.29 per mile; and
- 24 (J) services of a sheriff or constable who serves
- 25 process and attends examining trial in certain cases (Art. [102.011](#),
- 26 Code of Criminal Procedure) . . . not to exceed \$5;
- 27 (4) services of a peace officer in conveying a witness

1 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
2 \$10 per day or part of a day, plus actual necessary travel expenses;
3 (5) overtime of peace officer for time spent
4 testifying in the trial or traveling to or from testifying in the
5 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
6 (6) court costs on an offense relating to rules of the
7 road, when offense occurs within a school crossing zone (Art.
8 102.014, Code of Criminal Procedure) . . . \$25;
9 (7) court costs on an offense of passing a school bus
10 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
11 (8) court costs on an offense of parent contributing
12 to student nonattendance (Art. 102.014, Code of Criminal Procedure)
13 . . . \$20;
14 (9) cost for visual recording of intoxication arrest
15 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
16 \$15;
17 (10) cost of certain evaluations (Art. 102.018, Code
18 of Criminal Procedure) . . . actual cost;
19 (11) additional costs attendant to certain
20 intoxication convictions under Chapter 49, Penal Code, for
21 emergency medical services, trauma facilities, and trauma care
22 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
23 (12) additional costs attendant to certain child
24 sexual assault and related convictions, for child abuse prevention
25 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
26 (13) court cost for DNA testing for certain felonies
27 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

1 (14) court cost for DNA testing for certain
2 misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal
3 Procedure) . . . \$50;

4 (15) court cost for DNA testing for certain felonies
5 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

6 (16) if required by the court, a restitution fee for
7 costs incurred in collecting restitution installments and for the
8 compensation to victims of crime fund (Art. 42.037, Code of
9 Criminal Procedure) . . . \$12;

10 (17) if directed by the justice of the peace or
11 municipal court judge hearing the case, court costs on conviction
12 in a criminal action (Art. 45.041, Code of Criminal Procedure) . . .
13 part or all of the costs as directed by the judge; and

14 (18) costs attendant to convictions under Chapter 49,
15 Penal Code, and under Chapter 481, Health and Safety Code, to help
16 fund drug court programs established under Chapter 122, 123, 124,
17 or 125, Government Code, or former law (Art. 102.0178, Code of
18 Criminal Procedure) . . . \$60.

19 SECTION 3. The change in law made by this Act applies only
20 to a fee imposed for the execution or processing of a warrant,
21 capias, or capias pro fine issued for an offense committed on or
22 after the effective date of this Act. A fee imposed for the
23 execution or processing of a warrant, capias, or capias pro fine
24 issued for an offense committed before the effective date of this
25 Act is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose. For purposes of this section, an offense was committed

1 before the effective date of this Act if any element of the offense
2 occurred before that date.

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