

By: Menéndez

S.B. No. 1791

A BILL TO BE ENTITLED

AN ACT

1
2 relating to veterans treatment court programs and the results of
3 successfully completing those programs; imposing a filing fee on
4 certain civil cases to benefit veterans treatment court programs;
5 changing a fee.

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

7 SECTION 1. Subchapter D, Chapter 101, Government Code, is
8 amended by adding Section 101.061195 to read as follows:

9 Sec. 101.061195. ADDITIONAL DISTRICT COURT FEES FOR
10 VETERANS TREATMENT COURT PROGRAMS: GOVERNMENT CODE. The clerk of a
11 district court shall collect an additional filing fee of \$3 under
12 Section 124.007 in civil cases to benefit veterans treatment court
13 programs.

14 SECTION 2. Subchapter E, Chapter 101, Government Code, is
15 amended by adding Section 101.081194 to read as follows:

16 Sec. 101.081194. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
17 VETERANS TREATMENT COURT PROGRAMS: GOVERNMENT CODE. The clerk of a
18 statutory county court shall collect an additional filing fee of \$3
19 under Section 124.007 in civil cases to benefit veterans treatment
20 court programs.

21 SECTION 3. Section 103.027(a), Government Code, is amended
22 to read as follows:

23 (a) Fees and costs shall be paid or collected under the
24 Government Code as follows:

1 (1) filing a certified copy of a judicial finding of
2 fact and conclusion of law if charged by the secretary of state
3 (Sec. [51.905](#), Government Code) . . . \$15;

4 (2) cost paid by each surety posting the bail bond for
5 an offense other than a misdemeanor punishable by fine only under
6 Chapter [17](#), Code of Criminal Procedure, for the assistant
7 prosecutor supplement fund and the fair defense account (Sec.
8 [41.258](#), Government Code) . . . \$15, provided the cost does not
9 exceed \$30 for all bail bonds posted at that time for an individual
10 and the cost is not required on the posting of a personal or cash
11 bond;

12 (3) to participate in a court proceeding in this
13 state, a nonresident attorney fee (Sec. [82.0361](#), Government Code) .
14 . . \$250 except as waived or reduced under supreme court rules for
15 representing an indigent person;

16 (4) on a party's appeal of a final decision in a
17 contested case, the cost of preparing the original or a certified
18 copy of the record of the agency proceeding, if required by the
19 agency's rule, as a court cost (Sec. [2001.177](#), Government Code) . .
20 . as assessed by the court, all or part of the cost of preparation;

21 (5) a program fee for a drug court program (Sec.
22 [123.004](#), Government Code) . . . not to exceed \$1,000;

23 (6) an alcohol or controlled substance testing,
24 counseling, and treatment fee (Sec. [123.004](#), Government Code) . . .
25 the amount necessary to cover the costs of testing, counseling, and
26 treatment;

27 (7) a reasonable program fee for a veterans treatment

1 court program (Sec. 124.005, Government Code) . . . not to exceed
2 \$500 [~~\$1,000~~];

3 (8) a testing, counseling, and treatment fee for
4 testing, counseling, or treatment performed or provided under a
5 veterans treatment court program (Sec. 124.005, Government Code) .
6 . . the amount necessary to cover the costs of testing, counseling,
7 or treatment; and

8 (9) a nonrefundable program fee for a prostitution
9 prevention program (Sec. 126.006, Government Code) . . . a
10 reasonable amount not to exceed \$1,000, which must include a
11 counseling and services fee in an amount necessary to cover the
12 costs of counseling and services provided by the program, a victim
13 services fee in an amount equal to 10 percent of the total fee, and a
14 law enforcement training fee in an amount equal to five percent of
15 the total fee.

16 SECTION 4. Section 124.005(a), Government Code, is amended
17 to read as follows:

18 (a) A veterans treatment court program established under
19 this chapter may collect from a participant in the program:

20 (1) a reasonable program fee not to exceed \$500
21 [~~\$1,000~~]; and

22 (2) a testing, counseling, and treatment fee in an
23 amount necessary to cover the costs of any testing, counseling, or
24 treatment performed or provided under the program.

25 SECTION 5. Chapter 124, Government Code, is amended by
26 adding Section 124.007 to read as follows:

27 Sec. 124.007. ADDITIONAL FILING FEE FOR CIVIL CASES IN

1 CERTAIN COURTS. (a) In addition to all other fees authorized or
2 required by other law, the clerk of a district court or statutory
3 county court shall assess a fee of \$3 in each civil case filed in the
4 court to be used to benefit veterans treatment court programs.

5 (b) Court fees due under this section are collected in the
6 same manner as other fees, fines, or costs are collected in the
7 case. A clerk collecting the fees shall keep separate records of
8 the funds collected as fees under this section and shall deposit the
9 funds in the county treasury, as appropriate.

10 (c) The custodian of a county treasury shall:

11 (1) keep records of the amount of funds on deposit
12 collected under this section; and

13 (2) except as provided by Subsection (d), send to the
14 comptroller before the last day of the first month following each
15 calendar quarter the funds collected under this section during the
16 preceding quarter.

17 (d) If a county has established a veterans treatment court
18 program or establishes a veterans treatment court program before
19 the expiration of the calendar quarter, the county is entitled to
20 retain 60 percent of the funds collected under this section by a
21 clerk during the calendar quarter to be used exclusively for the
22 development and maintenance of veterans treatment court programs
23 operated within the county.

24 (e) If no funds due as fees under this section are deposited
25 in a county treasury in a calendar quarter, the custodian of the
26 treasury shall file the report required for the quarter in the
27 regular manner and must state that no funds were collected.

1 (f) The comptroller shall deposit the funds received under
2 this section to the credit of the veterans treatment court account
3 in the general revenue fund to help fund veterans treatment court
4 programs established under this chapter or former law. The
5 legislature shall appropriate money from the account solely to the
6 criminal justice division of the governor's office for distribution
7 to veterans treatment court programs that apply for the money.

8 (g) Funds collected under this section are subject to audit
9 by the comptroller.

10 SECTION 6. Subchapter E-1, Chapter 411, Government Code, is
11 amended by adding Section 411.0726 to read as follows:

12 Sec. 411.0726. PROCEDURE FOLLOWING DISMISSAL OF CHARGES
13 AFTER SUCCESSFUL COMPLETION OF VETERANS TREATMENT COURT PROGRAM.

14 (a) This section applies only to a person:

15 (1) who successfully completes a veterans treatment
16 court program under Chapter 124 or former law; and

17 (2) with respect to whom the applicable charge for the
18 offense for which the person entered that program is dismissed
19 under Section 124.001(b).

20 (b) Notwithstanding any other provision of this subchapter
21 or Subchapter F, a court that dismisses the charges against a person
22 described by Subsection (a) as a result of the person's
23 participation in a veterans treatment court program shall issue an
24 order of nondisclosure of criminal history record information under
25 this subchapter prohibiting criminal justice agencies from
26 disclosing to the public criminal history record information
27 related to the offense for which the person entered the program.

1 The court shall issue the order of nondisclosure not later than the
2 30th day after the date the court dismisses the charges against the
3 person.

4 (c) The person must pay a \$28 fee to the clerk of the court
5 before the court issues the order of nondisclosure of criminal
6 history record information under this section.

7 SECTION 7. Section 411.074, Government Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) This section does not apply to an order of nondisclosure
10 of criminal history record information under Section 411.0726.

11 SECTION 8. Section 103.0271, Government Code, is repealed.

12 SECTION 9. The change in law made by this Act to Section
13 124.005(a), Government Code, applies to a person who, on or after
14 the effective date of this Act, enters a veterans treatment court
15 program under Chapter 124, Government Code, regardless of whether
16 the person committed the offense for which the person enters the
17 program before, on, or after the effective date of this Act.

18 SECTION 10. (a) The changes in law made by this Act in
19 adding Section 411.0726, Government Code, apply to an order of
20 nondisclosure of criminal history record information for a person
21 who successfully completes a veterans treatment court program under
22 Chapter 124, Government Code, or former law, before, on, or after
23 the effective date of this Act, regardless of when the underlying
24 arrest occurred.

25 (b) For a person who is entitled to an order of
26 nondisclosure of criminal history record information under Section
27 411.0726, Government Code, as added by this Act, based on a

1 successful completion of a veterans treatment court program under
2 Chapter 124, Government Code, or former law, before the effective
3 date of this Act, notwithstanding the 30-day time limit provided
4 for the court to enter an automatic order of nondisclosure of
5 criminal history record information under that section, the court
6 shall enter an order of nondisclosure of criminal history record
7 information for the person as soon as practicable after the court
8 receives written notice from any party to the case about the
9 person's entitlement to the order of nondisclosure.

10 SECTION 11. To the extent of any conflict, this Act prevails
11 over another Act of the 85th Legislature, Regular Session, 2017,
12 relating to nonsubstantive additions to and corrections in enacted
13 codes.

14 SECTION 12. This Act takes effect September 1, 2017.