

By: Menéndez

S.B. No. 2106

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a fee for certain pretrial intervention programs.

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

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0111 to read as follows:

Art. 102.0111. FEES FOR PRETRIAL INTERVENTION PROGRAMS: COUNTY PRETRIAL SERVICES OFFICE. A county pretrial services office may collect a supervision fee in an amount not to exceed \$60 per month from a defendant participating in a pretrial intervention program operated by that office. The defendant may be required to pay the fee under this subsection as a condition of participating in the program.

SECTION 2. The heading to Article 102.012, Code of Criminal Procedure, is amended to read as follows:

Art. 102.012. FEES FOR PRETRIAL INTERVENTION PROGRAMS: COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT.

SECTION 3. Article 103.004, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) The custodian of the county treasury shall deposit money received from fees imposed under Article 102.0111 in a special fund of the county treasury for the county pretrial services office serving the county.

SECTION 4. 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) . . . actual cost;

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

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

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

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. [37.073](#), Code of

Criminal Procedure) . . . amount ordered;

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

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

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

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

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

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

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Chapter 42A, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

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

1 jury;

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

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

8 (15) an additional fee:

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

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

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

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

1           (17) a fee to cover costs of required duties of teen  
2 court (Art. [45.052](#), Code of Criminal Procedure) . . . \$20, if the  
3 court ordering the fee is located in the Texas-Louisiana border  
4 region, but otherwise \$10;

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

8           (19) certified mailing of notice of hearing date (Art.  
9 [102.006](#), Code of Criminal Procedure) . . . \$1, plus postage;

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

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

16          (21) sight orders:

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

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

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

26               (D) if the face amount of the check or sight order  
27 is greater than \$300 but does not exceed \$500 (Art. [102.007](#), Code of

Criminal Procedure) . . . not to exceed \$50; and

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

(22) fees for a pretrial intervention program:

(A) a supervision fee:

(i) if the program is operated by a county pretrial services office (Art. 102.0111, Code of Criminal Procedure). . . not to exceed \$60 a month; or

(ii) if the program is operated by a community supervision and corrections department (Art. 102.012 [102.012(a)], Code of Criminal Procedure) . . . \$60 a month plus expenses; and

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

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

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

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

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

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a

1 municipality, for certain debts and accounts receivable, including  
2 unpaid fines, fees, court costs, forfeited bonds, and restitution  
3 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30  
4 percent of an amount more than 60 days past due; and

5 (26) a cost on conviction for the truancy prevention  
6 and diversion fund (Art. 102.015, Code of Criminal Procedure) . . .  
7 \$2.

8 SECTION 5. The change in law made by this Act applies only  
9 to a defendant who participates in a pretrial intervention program  
10 that begins on or after the effective date of this Act. A defendant  
11 who participates in a pretrial intervention program that begins  
12 before the effective date of this Act is governed by the law in  
13 effect when the program began, and the former law is continued in  
14 effect for that purpose.

15 SECTION 6. This Act takes effect September 1, 2017.