86R3287 LHC-F

By:  Menéndez S.B. No. 1180

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures applicable to veterans who participate in veterans treatment court programs and to a court cost imposed on conviction to benefit those programs; changing a fee.

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 102.0175 to read as follows:

Art. 102.0175.  COST ON CONVICTION TO BENEFIT VETERANS TREATMENT COURT PROGRAMS. (a) In addition to other costs on conviction imposed by this chapter, to benefit veterans treatment court programs in this state a person shall pay $2 as a court cost on conviction of any misdemeanor or felony offense.

(b)  For purposes of this article, a person is considered to have been convicted if:

(1)  a sentence is imposed; or

(2)  the defendant receives community supervision, including deferred adjudication community supervision.

(c)  Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury, as appropriate.

(d)  The custodian of a county treasury shall:

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

(2)  except as provided by Subsection (e), send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(e)  If a county has established a veterans treatment court program or establishes a veterans treatment court program before the expiration of the calendar quarter, the county is entitled to retain 60 percent of the funds collected under this article by an officer of the county during the calendar quarter to be used exclusively for the development and maintenance of veterans treatment court programs operated within the county.

(f)  If no funds due as costs under this article are deposited in a county treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g)  The comptroller shall deposit the funds received under this article to the credit of the veterans treatment court account in the general revenue fund to help fund veterans treatment court programs established under Chapter 124, Government Code, or former law. The legislature shall appropriate money from the account solely to the criminal justice division of the governor's office for distribution to veterans treatment court programs that apply for the money.

(h)  Funds collected under this article are subject to audit by the comptroller.

SECTION 2.  Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.02111 to read as follows:

Sec. 102.02111.  ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of a misdemeanor or felony offense shall pay, in addition to all other costs, a court cost on conviction to benefit veterans treatment court programs in this state (Art. 102.0175, Code of Criminal Procedure). . . $2.

SECTION 3.  (a) Section 103.027(a), Government Code, as effective September 1, 2019, is amended to read as follows:

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

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

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

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

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

(5)  a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed $1,000;

(6)  an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) . . . the amount necessary to cover the costs of testing, counseling, and treatment;

(7)  a reasonable program fee for a veterans treatment court program (Sec. 124.005, Government Code) . . . not to exceed $500 [~~$1,000~~];

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

(9)  a nonrefundable program fee for a commercially sexually exploited persons court program (Sec. 126.006, Government Code) . . . a reasonable amount not to exceed $1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee;

(9-a)  a reasonable program fee for a public safety employees treatment court program (Sec. 129.006, Government Code) . . . not to exceed $1,000;

(9-b)  a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a public safety employees treatment court program (Sec. 129.006, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment; and

(10)  a district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court (Sec. 51.305, Government Code) . . . not more than $5.

(b)  Sections 103.02714 and 103.02715, Government Code, are repealed.

SECTION 4.  Section 124.001(b), Government Code, as amended by Chapters 693 (H.B. 322) and 889 (H.B. 3069), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b)  If a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the veterans treatment court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1)  if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure; or

(2)  if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure.

SECTION 5.  Section 124.005(a), Government Code, is amended to read as follows:

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

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

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

SECTION 6.  (a) Article 102.0175, Code of Criminal Procedure, as added by this Act, applies only to a cost on conviction for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b)  Section 124.005(a), Government Code, as amended by this Act, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 7.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.  This Act takes effect September 1, 2019.