

By: Lang

H.B. No. 2651

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(B) the law enforcement agency that processed the 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

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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, 2019.