

By: Menéndez

S.B. No. 1180

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain procedures applicable to veterans who
3 participate in veterans treatment court programs and to a court
4 cost imposed on conviction to benefit those programs; changing a
5 fee.

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

7 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
8 Procedure, is amended by adding Article 102.0175 to read as
9 follows:

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

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

17 (1) a sentence is imposed; or

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

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

1 (d) The custodian of a county treasury shall:

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

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

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

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

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

27 (h) Funds collected under this article are subject to audit

1 by the comptroller.

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

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

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

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

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

16 (2) cost paid by each surety posting the bail bond for
17 an offense other than a misdemeanor punishable by fine only under
18 Chapter 17, Code of Criminal Procedure, for the assistant
19 prosecutor supplement fund and the fair defense account (Sec.
20 41.258, Government Code) . . . \$15, provided the cost does not
21 exceed \$30 for all bail bonds posted at that time for an individual
22 and the cost is not required on the posting of a personal or cash
23 bond;

24 (3) to participate in a court proceeding in this
25 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
26 . . . \$250 except as waived or reduced under supreme court rules for
27 representing an indigent person;

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

7 (5) a program fee for a drug court program (Sec.
8 123.004, Government Code) . . . not to exceed \$1,000;

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

13 (7) a reasonable program fee for a veterans treatment
14 court program (Sec. 124.005, Government Code) . . . not to exceed
15 \$500 [~~\$1,000~~];

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

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

1 percent of the total fee;

2 (9-a) a reasonable program fee for a public safety
3 employees treatment court program (Sec. 129.006, Government Code)
4 . . . not to exceed \$1,000;

5 (9-b) a testing, counseling, and treatment fee for
6 testing, counseling, or treatment performed or provided under a
7 public safety employees treatment court program (Sec. 129.006,
8 Government Code) . . . the amount necessary to cover the costs of
9 testing, counseling, or treatment; and

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

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

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

23 (b) If a defendant who was arrested for or charged with, but
24 not convicted of or placed on deferred adjudication community
25 supervision for, an offense successfully completes a veterans
26 treatment court program, after notice to the attorney representing
27 the state and a hearing in the veterans treatment court at which

1 that court determines that a dismissal is in the best interest of
2 justice, the veterans treatment court shall provide to the court in
3 which the criminal case is pending information about the dismissal
4 and shall include all of the information required about the
5 defendant for a petition for expunction under Section 2(b), Article
6 55.02, Code of Criminal Procedure. The court in which the criminal
7 case is pending shall dismiss the case against the defendant and:

8 (1) if that trial court is a district court, the court
9 may, with the consent of the attorney representing the state, enter
10 an order of expunction on behalf of the defendant under Section
11 1a(a-1), Article 55.02, Code of Criminal Procedure; or

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

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

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

22 (1) a reasonable program fee not to exceed \$500
23 [~~\$1,000~~]; and

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

27 SECTION 6. (a) Article 102.0175, Code of Criminal

1 Procedure, as added by this Act, applies only to a cost on
2 conviction for an offense committed on or after the effective date
3 of this Act. An offense committed before the effective date of this
4 Act is governed by the law in effect on the date the offense was
5 committed, and the former law is continued in effect for that
6 purpose. For purposes of this subsection, an offense was committed
7 before the effective date of this Act if any element of the offense
8 occurred before that date.

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

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

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