By:  Zaffirini S.B. No. 1923

(In the Senate - Filed March 12, 2021; April 1, 2021, read first time and referred to Committee on Jurisprudence; April 19, 2021, reported favorably by the following vote: Yeas 5, Nays 0; April 19, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman           X

Hinojosa             X

Creighton            X

Hughes               X

Johnson              X

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal court costs, fines, and fees.

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

SECTION 1.  Article 42.152(b), Code of Criminal Procedure, is amended to read as follows:

(b)  After receiving a payment of a fine from a person ordered to make the payment under this article, the clerk of the court or fee officer shall:

(1)  make a record of the payment;

(2)  deduct a one-time $7 reimbursement [~~processing~~] fee from the payment for deposit in the general fund of the county;

(3)  forward the payment to the designated crime stoppers organization; and

(4)  make a record of the forwarding of the payment.

SECTION 2.  Articles 42A.303(d) and (f), Code of Criminal Procedure, are amended to read as follows:

(d)  If a judge requires as a condition of community supervision that the defendant serve a term of confinement and treatment in a substance abuse felony punishment facility under this article, the judge shall also require as a condition of community supervision that on release from the facility the defendant:

(1)  participate in a drug or alcohol abuse continuum of care treatment plan; and

(2)  pay a reimbursement fee in an amount established by the judge for residential aftercare required as part of the treatment plan.

(f)  The clerk of a court that collects a reimbursement fee imposed under Subsection (d)(2) shall deposit the reimbursement fee to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code, and the comptroller shall deposit the reimbursement fee into the general revenue fund. If the clerk does not collect a reimbursement fee imposed under Subsection (d)(2), the clerk is not required to file any report required by the comptroller that relates to the collection of the reimbursement fee. In establishing the amount of a reimbursement fee under Subsection (d)(2), the judge shall consider fines, fees, and other necessary expenses for which the defendant is obligated. The judge may not:

(1)  establish the reimbursement fee in an amount that is greater than 25 percent of the defendant's gross income while the defendant is a participant in residential aftercare; or

(2)  require the defendant to pay the reimbursement fee at any time other than a time at which the defendant is both employed and a participant in residential aftercare.

SECTION 3.  Chapter 101, Code of Criminal Procedure, is amended by adding Article 101.004 to read as follows:

Art. 101.004.  MEANING OF CONVICTION. In this title, a person is considered to have been convicted in a case if:

(1)  a judgment, a sentence, or both a judgment and a sentence are imposed on the person;

(2)  the person receives community supervision, deferred adjudication, or deferred disposition; or

(3)  the court defers final disposition of the case or imposition of the judgment and sentence.

SECTION 4.  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 reimbursement fees to defray the cost of the [~~for~~] services provided [~~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)  $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:

(i)  the arrest warrant or capias was not executed; or

(ii)  the executing law enforcement agency failed to request the fee within the period required by Paragraph (A);

(3)  $5 for summoning a witness;

(4)  $35 for serving a writ not otherwise listed in this article;

(5)  $10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

(6)  $5 for commitment or release;

(7)  $5 for summoning a jury, if a jury is summoned; and

(8)  $8 for each day's attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.

SECTION 5.  Article 102.018(c)(1), Code of Criminal Procedure, is amended to read as follows:

(1)  Except as provided by Subsection (d) of this article, if a person commits an offense under Chapter 49, Penal Code, and as a direct result of the offense the person causes an incident resulting in an accident response by a public agency, the person is liable on conviction for the offense for the reasonable expense to the agency of the accident response. [~~In this article, a person is considered to have been convicted in a case if:~~

[~~(A)  sentence is imposed;~~

[~~(B)  the defendant receives probation or deferred adjudication; or~~

[~~(C)  the court defers final disposition of the case.~~]

SECTION 6.  Section 51.607, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  Except as provided by Subsection (d) and notwithstanding [~~Notwithstanding~~] the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d)  Subsection (c) does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee takes effect on or after the January 1 following the regular session of the legislature at which the law was enacted.

SECTION 7.  Section 133.055(b), Local Government Code, is amended to read as follows:

(b)  If the treasurer does not collect any fees during a calendar quarter, the treasurer shall file the report required for the quarter in the regular manner. The report must state that no fees were collected. This subsection does not apply to reimbursement or other fees or fines collected under Article 42A.303, Code of Criminal Procedure, or under Section 76.013, Government Code.

SECTION 8.  Section 133.058(d), Local Government Code, is amended to read as follows:

(d)  A county may not retain a service fee on the collection of a reimbursement or other fee or fine:

(1)  for the judicial fund;

(2)  under Article 42A.303 or 42A.653, Code of Criminal Procedure;

(3)  under Section 51.851, Government Code; or

(4)  under Section 51.971, Government Code.

SECTION 9.  Section 31.127(f), Parks and Wildlife Code, is amended to read as follows:

(f)  A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

(1)  the defendant remedies the defect not later than the 10th working day after the date of the offense and pays a reimbursement fee [~~fine~~] not to exceed $10; and

(2)  the certificate of number has not been expired for more than 60 days.

SECTION 10.  Section 502.407(b), Transportation Code, is amended to read as follows:

(b)  A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1)  dismiss a charge of driving with an expired motor vehicle registration if the defendant:

(A)  remedies the defect not later than the 20th working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and

(B)  establishes that the fee prescribed by Section 502.045 has been paid; and

(2)  assess a reimbursement fee [~~fine~~] not to exceed $20 when the charge is dismissed.

SECTION 11.  Section 502.473(d), Transportation Code, is amended to read as follows:

(d)  A court may dismiss a charge brought under Subsection (a) if the defendant pays a reimbursement fee [~~fine~~] not to exceed $10 and:

(1)  remedies the defect before the defendant's first court appearance; or

(2)  shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

SECTION 12.  Section 502.475(c), Transportation Code, is amended to read as follows:

(c)  A court may dismiss a charge brought under Subsection (a)(3) if the defendant:

(1)  remedies the defect before the defendant's first court appearance; and

(2)  pays a reimbursement fee [~~fine~~] not to exceed $10.

SECTION 13.  Section 504.943(d), Transportation Code, is amended to read as follows:

(d)  A court may dismiss a charge brought under Subsection (a)(1) if the defendant:

(1)  remedies the defect before the defendant's first court appearance; and

(2)  pays a reimbursement fee [~~fine~~] not to exceed $10.

SECTION 14.  Section 504.945(d), Transportation Code, is amended to read as follows:

(d)  A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1)  remedies the defect before the defendant's first court appearance;

(2)  pays a reimbursement fee [~~fine~~] not to exceed $10; and

(3)  shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

SECTION 15.  Section 521.026(b), Transportation Code, is amended to read as follows:

(b)  The judge may assess the defendant a reimbursement fee [~~fine~~] not to exceed $20 when the charge of driving with an expired driver's license is dismissed under Subsection (a).

SECTION 16.  Section 521.054(d), Transportation Code, is amended to read as follows:

(d)  A court may dismiss a charge for a violation of this section if the defendant remedies the defect not later than the 20th working day after the date of the offense and pays a reimbursement fee [~~fine~~] not to exceed $20. The court may waive the reimbursement fee [~~fine~~] if the waiver is in the interest of justice.

SECTION 17.  Section 521.221(d), Transportation Code, is amended to read as follows:

(d)  A court may dismiss a charge for a violation of this section if:

(1)  the restriction or endorsement was imposed:

(A)  because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or

(B)  in error and that fact is established by the defendant;

(2)  the department removes the restriction or endorsement before the defendant's first court appearance; and

(3)  the defendant pays a reimbursement fee [~~fine~~] not to exceed $10.

SECTION 18.  Section 547.004(c), Transportation Code, is amended to read as follows:

(c)  A court may dismiss a charge brought under this section if the defendant:

(1)  remedies the defect before the defendant's first court appearance; and

(2)  pays a reimbursement fee [~~fine~~] not to exceed $10.

SECTION 19.  Section 548.605(e), Transportation Code, is amended to read as follows:

(e)  A court shall:

(1)  dismiss a charge under this section if the defendant remedies the defect:

(A)  not later than the 20th working day after the date of the citation or before the defendant's first court appearance date, whichever is later; and

(B)  not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and

(2)  assess a reimbursement fee [~~fine~~] not to exceed $20 when the charge has been remedied under Subdivision (1).

SECTION 20.  Section 681.013(b), Transportation Code, is amended to read as follows:

(b)  The court shall:

(1)  dismiss a charge for an offense under Section 681.011(b)(1) if:

(A)  the vehicle displayed a disabled parking placard that was not valid as expired;

(B)  the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

(C)  the disabled parking placard has not been expired for more than 60 days; and

(2)  assess a reimbursement fee [~~fine~~] not to exceed $20 when the charge has been remedied.

SECTION 21.  The following provisions of the Code of Criminal Procedure are repealed:

(1)  Article 102.011(j); and

(2)  Article 102.014(e).

SECTION 22.  The changes in law made by this Act apply only to a cost, fee, or fine 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 section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 23.  This Act takes effect September 1, 2021.

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