

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

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

4           (f) The clerk of a court that collects a reimbursement fee  
5 imposed under Subsection (d)(2) shall deposit the reimbursement fee  
6 to be sent to the comptroller as provided by Subchapter B, Chapter  
7 133, Local Government Code, and the comptroller shall deposit the  
8 reimbursement fee into the general revenue fund. If the clerk does  
9 not collect a reimbursement fee imposed under Subsection (d)(2),  
10 the clerk is not required to file any report required by the  
11 comptroller that relates to the collection of the reimbursement  
12 fee. In establishing the amount of a reimbursement fee under  
13 Subsection (d)(2), the judge shall consider fines, fees, and other  
14 necessary expenses for which the defendant is obligated. The judge  
15 may not:

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

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

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

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

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

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

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

5           SECTION 4. Article 102.011(a), Code of Criminal Procedure,  
6 is amended to read as follows:

7           (a) A defendant convicted of a felony or a misdemeanor shall  
8 pay the following reimbursement fees to defray the cost of the [for]  
9 services provided [performed] in the case by a peace officer:

10           (1) \$5 for issuing a written notice to appear in court  
11 following the defendant's violation of a traffic law, municipal  
12 ordinance, or penal law of this state, or for making an arrest  
13 without a warrant;

14           (2) \$50 for executing or processing an issued arrest  
15 warrant, *capias*, or *capias pro fine*, with the fee imposed for the  
16 services of:

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

22           (B) the law enforcement agency that processed the  
23 arrest warrant or *capias*, if:

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

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

1 (A);

2 (3) \$5 for summoning a witness;

3 (4) \$35 for serving a writ not otherwise listed in this  
4 article;

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

7 (6) \$5 for commitment or release;

8 (7) \$5 for summoning a jury, if a jury is summoned; and

9 (8) \$8 for each day's attendance of a prisoner in a  
10 habeas corpus case if the prisoner has been remanded to custody or  
11 held to bail.

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

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

21 [~~(A) sentence is imposed,~~

22 [~~(B) the defendant receives probation or  
23 deferred adjudication, or~~

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

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

1 follows:

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

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

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

14 (b) If the treasurer does not collect any fees during a  
15 calendar quarter, the treasurer shall file the report required for  
16 the quarter in the regular manner. The report must state that no  
17 fees were collected. This subsection does not apply to  
18 reimbursement or other fees or fines collected under Article  
19 42A.303, Code of Criminal Procedure, or under Section 76.013,  
20 Government Code.

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

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

25 (1) for the judicial fund;

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

1 (3) under Section 51.851, Government Code; or

2 (4) under Section 51.971, Government Code.

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

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

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

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

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

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

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

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

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

23 (2) assess a reimbursement fee [~~fine~~] not to exceed  
24 \$20 when the charge is dismissed.

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

27 (d) A court may dismiss a charge brought under Subsection

1 (a) if the defendant pays a reimbursement fee [~~fine~~] not to exceed  
2 \$10 and:

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) remedies the defect before the defendant's first

1 court appearance;

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

3 and

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

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

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

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

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

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

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

24 (1) the restriction or endorsement was imposed:

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



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

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

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

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

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

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

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

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

16 (e) A court shall:

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

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

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

26 (2) assess a reimbursement fee [~~fine~~] not to exceed  
27 \$20 when the charge has been remedied under Subdivision (1).

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

3 (b) The court shall:

4 (1) dismiss a charge for an offense under Section  
5 681.011(b)(1) if:

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

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

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

14 (2) assess a reimbursement fee [~~fine~~] not to exceed  
15 \$20 when the charge has been remedied.

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

18 (1) Article 102.011(j); and

19 (2) Article 102.014(e).

20 SECTION 22. The changes in law made by this Act apply only  
21 to a cost, fee, or fine on conviction for an offense committed on or  
22 after the effective date of this Act. An offense committed before  
23 the effective date of this Act is governed by the law in effect on  
24 the date the offense was committed, and the former law is continued  
25 in effect for that purpose. For purposes of this section, an  
26 offense was committed before the effective date of this Act if any  
27 element of the offense occurred before that date.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1923 passed the Senate on April 23, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1923 passed the House on May 26, 2021, by the following vote: Yeas 143, Nays 4, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor