

By: Faircloth

H.B. No. 3388

Substitute the following for H.B. No. 3388:

By: Herrero

C.S.H.B. No. 3388

A BILL TO BE ENTITLED

AN ACT

relating to increasing the fee on conviction paid by a defendant for a peace officer committing or releasing the defendant.

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) \$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

1 executed; or

2 (ii) the executing law enforcement agency
3 failed to request the fee within the period required by Paragraph
4 (A) of this subdivision;

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

6 (4) \$35 for serving a writ not otherwise listed in this
7 article;

8 (5) \$10 for taking and approving a bond and, if
9 necessary, returning the bond to the courthouse;

10 (6) \$25 [~~\$5~~] for commitment or release;

11 (7) \$5 for summoning a jury, if a jury is summoned; and

12 (8) \$8 for each day's attendance of a prisoner in a
13 habeas corpus case if the prisoner has been remanded to custody or
14 held to bail.

15 SECTION 2. Section 102.021, Government Code, is amended to
16 read as follows:

17 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
18 PROCEDURE. A person convicted of an offense shall pay the
19 following under the Code of Criminal Procedure, in addition to all
20 other costs:

21 (1) court cost on conviction of any offense, other
22 than a conviction of an offense relating to a pedestrian or the
23 parking of a motor vehicle (Art. 102.0045, Code of Criminal
24 Procedure) . . . \$4;

25 (2) a fee for services of prosecutor (Art. 102.008,
26 Code of Criminal Procedure) . . . \$25;

27 (3) fees for services of peace officer:

1 (A) issuing a written notice to appear in court
2 for certain violations (Art. 102.011, Code of Criminal Procedure)
3 . . . \$5;

4 (B) executing or processing an issued arrest
5 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal
6 Procedure) . . . \$50;

7 (C) summoning a witness (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;

9 (D) serving a writ not otherwise listed (Art.
10 102.011, Code of Criminal Procedure) . . . \$35;

11 (E) taking and approving a bond and, if
12 necessary, returning the bond to courthouse (Art. 102.011, Code of
13 Criminal Procedure) . . . \$10;

14 (F) commitment or release (Art. 102.011, Code of
15 Criminal Procedure) . . . \$25 [~~\$5~~];

16 (G) summoning a jury (Art. 102.011, Code of
17 Criminal Procedure) . . . \$5;

18 (H) attendance of a prisoner in habeas corpus
19 case if prisoner has been remanded to custody or held to bail (Art.
20 102.011, Code of Criminal Procedure) . . . \$8 each day;

21 (I) mileage for certain services performed (Art.
22 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

23 (J) services of a sheriff or constable who serves
24 process and attends examining trial in certain cases (Art. 102.011,
25 Code of Criminal Procedure) . . . not to exceed \$5;

26 (4) services of a peace officer in conveying a witness
27 outside the county (Art. 102.011, Code of Criminal Procedure) . . .

\$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

(14) court cost for DNA testing for the offense of

1 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
2 Criminal Procedure) . . . \$50;

3 (15) court cost for DNA testing for certain felonies
4 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

5 (16) if required by the court, a restitution fee for
6 costs incurred in collecting restitution installments and for the
7 compensation to victims of crime fund (Art. 42.037, Code of
8 Criminal Procedure) . . . \$12;

9 (17) if directed by the justice of the peace or
10 municipal court judge hearing the case, court costs on conviction
11 in a criminal action (Art. 45.041, Code of Criminal Procedure)
12 . . . part or all of the costs as directed by the judge; and

13 (18) costs attendant to convictions under Chapter 49,
14 Penal Code, and under Chapter 481, Health and Safety Code, to help
15 fund drug court programs established under Chapter 122, 123, 124,
16 or 125, Government Code, or former law (Art. 102.0178, Code of
17 Criminal Procedure) . . . \$60.

18 SECTION 3. The change in law made by this Act applies only
19 to a fee imposed for the commitment or release of a defendant
20 convicted of an offense committed on or after the effective date of
21 this Act. A fee imposed for the commitment or release of a
22 defendant convicted of an offense committed before the effective
23 date of this Act is governed by the law in effect on the date the
24 offense was committed, and the former law is continued in effect for
25 that purpose. For purposes of this section, an offense was
26 committed before the effective date of this Act if any element of
27 the offense occurred before that date.

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1 SECTION 4. This Act takes effect September 1, 2015.