

AN ACT

relating to a fee imposed as a condition of community supervision for an offense involving family violence and to certain nonsubstantive revisions involving court fees.

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

SECTION 1. Subsection (h), Section 11, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(h) If a judge grants community supervision to a person convicted of an offense under Title 5, Penal Code, that the court determines involves family violence, the judge shall ~~may~~ require the person to pay ~~make one payment in an amount not to exceed~~ \$100 to a family violence ~~shelter~~ center that receives state or federal funds and that serves the county in which the court is located. In this subsection, "family violence" has the meaning assigned by Section 71.004, Family Code, and "family violence ~~shelter~~ center" has the meaning assigned by Section 51.002, Human Resources Code.

SECTION 2. (a) Section 103.021, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 103.021, Government Code, by Chapter 1226 (H.B. 2385), Acts of the 80th Legislature, Regular Session, 2007, and to conform to Chapters 805 (S.B. 1083) and 910 (H.B. 2949), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read

1 as follows:

2 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
3 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
4 or a party to a civil suit, as applicable, shall pay the following
5 fees and costs under the Code of Criminal Procedure if ordered by
6 the court or otherwise required:

7 (1) a personal bond fee (Art. 17.42, Code of Criminal
8 Procedure) . . . the greater of \$20 or three percent of the amount
9 of the bail fixed for the accused;

10 (2) cost of electronic monitoring as a condition of
11 release on personal bond (Art. 17.43, Code of Criminal Procedure)
12 . . . actual cost;

13 (3) a fee for verification of and monitoring of motor
14 vehicle ignition interlock (Art. 17.441, Code of Criminal
15 Procedure) . . . not to exceed \$10;

16 (4) repayment of reward paid by a crime stoppers
17 organization on conviction of a felony (Art. 37.073, Code of
18 Criminal Procedure) . . . amount ordered;

19 (5) reimbursement to general revenue fund for payments
20 made to victim of an offense as condition of community supervision
21 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
22 a misdemeanor offense or \$100 for a felony offense;

23 (6) payment to a crime stoppers organization as
24 condition of community supervision (Art. 42.12, Code of Criminal
25 Procedure) . . . not to exceed \$50;

26 (7) children's advocacy center fee (Art. 42.12, Code
27 of Criminal Procedure) . . . not to exceed \$50;

- 1 (8) family violence [~~shelter~~] center fee (Art. 42.12,
2 Code of Criminal Procedure) . . . [~~not to exceed~~] \$100;
- 3 (9) community supervision fee (Art. 42.12, Code of
4 Criminal Procedure) . . . not less than \$25 or more than \$60 per
5 month;
- 6 (10) additional community supervision fee for certain
7 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
8 month;
- 9 (11) for certain financially able sex offenders as a
10 condition of community supervision, the costs of treatment,
11 specialized supervision, or rehabilitation (Art. 42.12, Code of
12 Criminal Procedure) . . . all or part of the reasonable and
13 necessary costs of the treatment, supervision, or rehabilitation as
14 determined by the judge;
- 15 (12) fee for failure to appear for trial in a justice
16 or municipal court if a jury trial is not waived (Art. 45.026, Code
17 of Criminal Procedure) . . . costs incurred for impaneling the
18 jury;
- 19 (13) costs of certain testing, assessments, or
20 programs during a deferral period (Art. 45.051, Code of Criminal
21 Procedure) . . . amount ordered;
- 22 (14) special expense on dismissal of certain
23 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
24 . . . not to exceed amount of fine assessed;
- 25 (15) an additional fee:
- 26 (A) for a copy of the defendant's driving record
27 to be requested from the Department of Public Safety by the judge

1 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
2 to the sum of the fee established by Section 521.048,
3 Transportation Code, and the TexasOnline fee [~~\$10~~];

4 (B) as an administrative fee for requesting a
5 driving safety course or a course under the motorcycle operator
6 training and safety program for certain traffic offenses to cover
7 the cost of administering the article (Art. 45.0511(f)(1), Code of
8 Criminal Procedure) . . . not to exceed \$10; or

9 (C) for requesting a driving safety course or a
10 course under the motorcycle operator training and safety program
11 before the final disposition of the case (Art. 45.0511(f)(2), Code
12 of Criminal Procedure) . . . not to exceed the maximum amount of the
13 fine for the offense committed by the defendant;

14 (16) a request fee for teen court program (Art.
15 45.052, Code of Criminal Procedure) . . . \$20, if the court
16 ordering the fee is located in the Texas-Louisiana border region,
17 but otherwise not to exceed \$10;

18 (17) a fee to cover costs of required duties of teen
19 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
20 court ordering the fee is located in the Texas-Louisiana border
21 region, but otherwise \$10;

22 (18) a mileage fee for officer performing certain
23 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
24 mile;

25 (19) certified mailing of notice of hearing date (Art.
26 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

27 (20) certified mailing of certified copies of an order

1 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
2 plus postage;

3 (20-a) a fee to defray the cost of notifying state
4 agencies of orders of expungement (Art. 45.0216, Code of Criminal
5 Procedure) . . . \$30 per application;

6 (20-b) a fee to defray the cost of notifying state
7 agencies of orders of expunction (Art. 45.055, Code of Criminal
8 Procedure) . . . \$30 per application;

9 (21) sight orders:

10 (A) if the face amount of the check or sight order
11 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
12 . . . not to exceed \$10;

13 (B) if the face amount of the check or sight order
14 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
15 Criminal Procedure) . . . not to exceed \$15;

16 (C) if the face amount of the check or sight order
17 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
18 Criminal Procedure) . . . not to exceed \$30;

19 (D) if the face amount of the check or sight order
20 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
21 Criminal Procedure) . . . not to exceed \$50; and

22 (E) if the face amount of the check or sight order
23 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
24 . . . not to exceed \$75;

25 (22) fees for a pretrial intervention program:

26 (A) a supervision fee (Art. 102.012(a)
27 [~~102.012~~], Code of Criminal Procedure) . . . [~~not to exceed~~] \$60 a

1 month plus expenses; and

2 (B) a district attorney, criminal district
3 attorney, or county attorney administrative fee (Art. 102.0121,
4 Code of Criminal Procedure) . . . not to exceed \$500;

5 (23) parking fee violations for child safety fund in
6 municipalities with populations:

7 (A) greater than 850,000 (Art. 102.014, Code of
8 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

9 (B) less than 850,000 (Art. 102.014, Code of
10 Criminal Procedure) . . . not to exceed \$5;

11 (24) an administrative fee for collection of fines,
12 fees, restitution, or other costs (Art. 102.072, Code of Criminal
13 Procedure) . . . not to exceed \$2 for each transaction; and

14 (25) a collection fee, if authorized by the
15 commissioners court of a county or the governing body of a
16 municipality, for certain debts and accounts receivable, including
17 unpaid fines, fees, court costs, forfeited bonds, and restitution
18 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
19 percent of an amount more than 60 days past due.

20 (b) Section 103.021, Government Code, as amended by Chapter
21 1226 (H.B. 2385), Acts of the 80th Legislature, Regular Session,
22 2007, is repealed. Section 103.021, Government Code, as amended by
23 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
24 Session, 2007, to reorganize and renumber that section, continues
25 in effect as further amended by this section.

26 SECTION 3. Subsection (h), Section 11, Article 42.12, Code
27 of Criminal Procedure, as amended by this Act, applies only to a

1 person granted community supervision for an offense committed on or
2 after the effective date of this Act. A person granted community
3 supervision for an offense committed before the effective date of
4 this 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.

7 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 82 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 82 passed the House on May 19, 2009, by the following vote: Yeas 145, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor