

By: Fletcher

H.B. No. 211

A BILL TO BE ENTITLED

AN ACT

relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

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) \$75 [~~\$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) of this subdivision;

(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 2. Section 102.021, Government Code, is amended to read as follows:

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

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

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

(3) fees for services of peace officer:

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

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$75 [~~\$50~~];

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

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

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

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

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

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

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

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

(4) services of a peace officer in conveying a witness

1 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
2 \$10 per day or part of a day, plus actual necessary travel expenses;
3 (5) overtime of peace officer for time spent
4 testifying in the trial or traveling to or from testifying in the
5 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
6 (6) court costs on an offense relating to rules of the
7 road, when offense occurs within a school crossing zone (Art.
8 102.014, Code of Criminal Procedure) . . . \$25;
9 (7) court costs on an offense of passing a school bus
10 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
11 (8) court costs on an offense of truancy or
12 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
13 . . . \$20;
14 (9) cost for visual recording of intoxication arrest
15 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
16 \$15;
17 (10) cost of certain evaluations (Art. 102.018, Code
18 of Criminal Procedure) . . . actual cost;
19 (11) additional costs attendant to certain
20 intoxication convictions under Chapter 49, Penal Code, for
21 emergency medical services, trauma facilities, and trauma care
22 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
23 (12) additional costs attendant to certain child
24 sexual assault and related convictions, for child abuse prevention
25 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
26 (13) court cost for DNA testing for certain felonies
27 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

1 (14) court cost for DNA testing for the offense of
2 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
3 Criminal Procedure) . . . \$50;

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

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

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

14 (18) costs attendant to convictions under Chapter 49,
15 Penal Code, and under Chapter 481, Health and Safety Code, to help
16 fund drug court programs established under Chapter 469, Health and
17 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

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

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1 occurred before that date.

2 SECTION 4. This Act takes effect September 1, 2013.