

AN ACT

relating to the collection of fees by a district attorney, criminal district attorney, or county attorney for certain expenses related to pretrial intervention programs.

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

SECTION 1. Article 102.012(b), Code of Criminal Procedure, is amended to read as follows:

(b) In addition to or in lieu of the supervision fee authorized by Subsection (a), the court may order the defendant to pay or reimburse a community supervision and corrections department for any other expense that is:

(1) incurred as a result of the defendant's participation in the pretrial intervention program, other than an expense described by Article 102.0121; or

(2) [~~that is~~] necessary to the defendant's successful completion of the program.

SECTION 2. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0121 to read as follows:

Art. 102.0121. FEES FOR CERTAIN EXPENSES RELATED TO PRETRIAL INTERVENTION PROGRAMS. (a) A district attorney, criminal district attorney, or county attorney may collect a fee in an amount not to exceed \$500 to be used to reimburse a county for expenses, including expenses of the district attorney's, criminal

1 district attorney's, or county attorney's office, related to a
2 defendant's participation in a pretrial intervention program
3 offered in that county.

4 (b) The district attorney, criminal district attorney, or
5 county attorney may collect the fee from any defendant who
6 participates in a pretrial intervention program administered in any
7 part by the attorney's office.

8 (c) Fees collected under this article shall be deposited in
9 the county treasury in a special fund to be used solely to
10 administer the pretrial intervention program. An expenditure from
11 the fund may be made only in accordance with a budget approved by
12 the commissioners court.

13 SECTION 3. Section 103.021, Government Code, is amended to
14 read as follows:

15 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
16 CIVIL CASES. An accused or defendant, or a party to a civil suit,
17 as applicable, shall pay the following fees and costs if ordered by
18 the court or otherwise required:

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

22 (2) cost of electronic monitoring as a condition of
23 release on personal bond (Art. 17.43, Code of Criminal Procedure)
24 . . . actual cost;

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

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

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

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

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

13 (8) family violence shelter center fee (Art. 42.12,
14 Code of Criminal Procedure) . . . not to exceed \$100;

15 (9) community supervision fee (Art. 42.12, Code of
16 Criminal Procedure) . . . not less than \$25 or more than \$60 per
17 month;

18 (10) additional community supervision fee for certain
19 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
20 month;

21 (11) for certain financially able sex offenders as a
22 condition of community supervision, the costs of treatment,
23 specialized supervision, or rehabilitation (Art. 42.12, Code of
24 Criminal Procedure) . . . all or part of the reasonable and
25 necessary costs of the treatment, supervision, or rehabilitation as
26 determined by the judge;

27 (12) fee for failure to appear for trial in a justice

1 or municipal court if a jury trial is not waived (Art. 45.026, Code
2 of Criminal Procedure) . . . costs incurred for impaneling the
3 jury;

4 (13) costs of certain testing, assessments, or
5 programs during a deferral period (Art. 45.051, Code of Criminal
6 Procedure) . . . amount ordered;

7 (14) special expense on dismissal of certain
8 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
9 . . . not to exceed amount of fine assessed;

10 (15) an additional fee:

11 (A) as an administrative fee for requesting a
12 driving safety course or a course under the motorcycle operator
13 training and safety program for certain traffic offenses to cover
14 the cost of administering the article (Art. 45.0511(f)(1), Code of
15 Criminal Procedure) . . . not to exceed \$10; or

16 (B) for requesting a driving safety course or a
17 course under the motorcycle operator training and safety program
18 before the final disposition of the case (Art. 45.0511(f)(2), Code
19 of Criminal Procedure) . . . not to exceed the maximum amount of the
20 fine for the offense committed by the defendant;

21 (16) a request fee for teen court program (Art.
22 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

23 (17) a fee to cover costs of required duties of teen
24 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;

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

1 (19) certified mailing of notice of hearing date (Art.
2 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

3 (20) certified mailing of certified copies of an order
4 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
5 plus postage;

6 (20-a) a fee to defray the cost of notifying state
7 agencies of orders of expungement (Art. 45.0216, Code of Criminal
8 Procedure) . . . \$30 per application;

9 (20-b) a fee to defray the cost of notifying state
10 agencies of orders of expunction (Art. 45.055, Code of Criminal
11 Procedure) . . . \$30 per application;

12 (20-c) a fee to defray the cost of notifying state
13 agencies of orders of expungement (Sec. 106.12, Alcoholic Beverage
14 Code) . . . \$30 per application;

15 (20-d) a fee to defray the cost of notifying state
16 agencies of orders of expungement (Sec. 161.255, Health and Safety
17 Code) . . . \$30 per application;

18 (21) sight orders:

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

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

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

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

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

7 (22) fees for a pretrial intervention program:

8 (A) a supervision fee (Art. 102.012(a)
9 [102.012], Code of Criminal Procedure) . . . \$60 a month plus
10 expenses; and

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

14 (23) parking fee violations for child safety fund in
15 municipalities with populations:

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

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

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

23 (25) a court reporter fee when testimony is taken:

24 (A) in a criminal court in Dallas County (Sec.
25 25.0593, Government Code) . . . \$3;

26 (B) in a county criminal court of appeals in
27 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

- 1 (C) in a county court at law in McLennan County
2 (Sec. 25.1572, Government Code) . . . \$3; and
- 3 (D) in a county criminal court in Tarrant County
4 (Sec. 25.2223, Government Code) . . . \$3;
- 5 (26) a speedy trial filing fee in El Paso County (Sec.
6 54.745, Government Code) . . . \$100;
- 7 (27) costs for use of magistrate in Brazos County
8 (Sec. 54.1116, Government Code) . . . not to exceed \$50;
- 9 (28) an administrative fee for participation in
10 certain community supervision programs (Sec. 76.015, Government
11 Code) . . . not less than \$25 and not more than \$40 per month;
- 12 (29) in family matters:
- 13 (A) issuing writ of withholding (Sec. 8.262,
14 Family Code) . . . \$15;
- 15 (B) filing copy of writ of withholding to
16 subsequent employer (Sec. 8.267, Family Code) . . . \$15;
- 17 (C) issuing and delivering modified writ of
18 withholding or notice of termination (Sec. 8.302, Family Code)
19 . . . \$15;
- 20 (D) issuing and delivering notice of termination
21 of withholding (Sec. 8.303, Family Code) . . . \$15;
- 22 (E) issuance of change of name certificate (Sec.
23 45.106, Family Code) . . . \$10;
- 24 (F) protective order fee (Sec. 81.003, Family
25 Code) . . . \$16;
- 26 (G) filing suit requesting adoption of child
27 (Sec. 108.006, Family Code) . . . \$15;

1 (H) filing fees for suits affecting parent-child
2 relationship (Sec. 110.002, Family Code):

3 (1) suit or motion for modification (Sec.
4 110.002, Family Code) . . . \$15;

5 (11) motion for enforcement (Sec. 110.002,
6 Family Code) . . . \$15;

7 (iii) notice of application for judicial
8 writ of withholding (Sec. 110.002, Family Code) . . . \$15;

9 (iv) motion to transfer (Sec. 110.002,
10 Family Code) . . . \$15;

11 (v) petition for license suspension (Sec.
12 110.002, Family Code) . . . \$15;

13 (v1) motion to revoke a stay of license
14 suspension (Sec. 110.002, Family Code) . . . \$15; and

15 (v11) motion for contempt (Sec. 110.002,
16 Family Code) . . . \$15;

17 (I) order or writ of income withholding to be
18 delivered to employer (Sec. 110.004, Family Code) . . . not to
19 exceed \$15;

20 (J) filing fee for transferred case (Sec.
21 110.005, Family Code) . . . \$45;

22 (K) filing a writ of withholding (Sec. 158.319,
23 Family Code) . . . \$15;

24 (L) filing a request for modified writ of
25 withholding or notice of termination (Sec. 158.403, Family Code)
26 . . . not to exceed \$15;

27 (M) filing an administrative writ to employer

1 (Sec. 158.503, Family Code) . . . not to exceed \$15; and

2 (N) genetic testing fees in relation to a child
3 born to a gestational mother (Sec. 160.762, Family Code) . . . as
4 assessed by the court;

5 (30) in juvenile court:

6 (A) fee schedule for deferred prosecution
7 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

8 (B) a teen court administration fee (Sec. 54.032,
9 Family Code) . . . not to exceed \$10;

10 (C) court costs for juvenile probation diversion
11 fund (Sec. 54.0411, Family Code) . . . \$20;

12 (D) a juvenile delinquency prevention fee (Sec.
13 54.0461, Family Code) . . . \$5; and

14 (E) a court fee for child's probationary period
15 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;

16 (31) a court reporter service fee if the courts have
17 official court reporters (Sec. 51.601, Government Code) . . . \$15;

18 (32) administrative fee on dismissal of charge of
19 driving with an expired motor vehicle registration (Sec. 502.407,
20 Transportation Code) . . . not to exceed \$10;

21 (33) administrative fee on dismissal of charge of
22 driving with an expired driver's license (Sec. 521.026,
23 Transportation Code) . . . not to exceed \$10;

24 (34) administrative fee on remediation of charge of
25 driving with an expired inspection certificate (Sec. 548.605,
26 Transportation Code) . . . not to exceed \$10;

27 (35) administrative fee for failure to appear for a

1 complaint or citation on certain offenses (Sec. 706.006,
2 Transportation Code) . . . \$30 for each violation;

3 (36) administrative fee for failure to pay or satisfy
4 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;

5 (37) fee paid on filing a petition for an order of
6 nondisclosure of criminal history record information in certain
7 cases (Sec. 411.081, Government Code). . . \$28;

8 (38) on a finding that an animal's owner has cruelly
9 treated the animal, court costs including:

10 (A) investigation (Sec. 821.023, Health and
11 Safety Code) . . . actual costs;

12 (B) expert witnesses (Sec. 821.023, Health and
13 Safety Code) . . . actual costs;

14 (C) housing and caring for the animal during its
15 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
16 costs;

17 (D) conducting any public sale ordered by the
18 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
19 and

20 (E) humanely destroying the animal if
21 destruction is ordered by the court (Sec. 821.023, Health and
22 Safety Code) . . . actual costs;

23 (39) the costs of a criminal magistrate if the court
24 determines that the nonprevailing party is able to defray the
25 costs:

26 (A) in Bexar County (Sec. 54.913, Government
27 Code) . . . magistrate's fees;

1 (B) in Dallas County (Sec. 54.313, Government
2 Code) . . . magistrate's fees;

3 (C) in Lubbock County (Sec. 54.883, Government
4 Code) . . . magistrate's fees;

5 (D) in Tarrant County (Sec. 54.663, Government
6 Code) . . . magistrate's fees;

7 (E) in Travis County (Sec. 54.983, Government
8 Code) . . . magistrate's fees; and

9 (F) in Williamson County (Sec. 54.958,
10 Government Code) . . . expense of the magistrate; and

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

17 SECTION 4. The change in law made by this Act applies only
18 to a defendant's participation in a pretrial intervention program
19 that begins on or after the effective date of this Act. A
20 defendant's participation in a pretrial intervention program that
21 begins before the effective date of this Act is governed by the law
22 in effect when the program began, and the former law is continued in
23 effect for that purpose.

24 SECTION 5. This Act takes effect September 1, 2007.

David Neuhorst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 2385 was passed by the House on May 10, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Hamey
Chief Clerk of the House

I certify that H.B. No. 2385 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Saw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State