

1-1 By: Zaffirini S.B. No. 1923
1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 19, 2021, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to certain criminal court costs, fines, and fees.
1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-17 SECTION 1. Article 42.152(b), Code of Criminal Procedure,
1-18 is amended to read as follows:
1-19 (b) After receiving a payment of a fine from a person
1-20 ordered to make the payment under this article, the clerk of the
1-21 court or fee officer shall:
1-22 (1) make a record of the payment;
1-23 (2) deduct a one-time \$7 reimbursement [~~processing~~]
1-24 fee from the payment for deposit in the general fund of the county;
1-25 (3) forward the payment to the designated crime
1-26 stoppers organization; and
1-27 (4) make a record of the forwarding of the payment.
1-28 SECTION 2. Articles 42A.303(d) and (f), Code of Criminal
1-29 Procedure, are amended to read as follows:
1-30 (d) If a judge requires as a condition of community
1-31 supervision that the defendant serve a term of confinement and
1-32 treatment in a substance abuse felony punishment facility under
1-33 this article, the judge shall also require as a condition of
1-34 community supervision that on release from the facility the
1-35 defendant:
1-36 (1) participate in a drug or alcohol abuse continuum
1-37 of care treatment plan; and
1-38 (2) pay a reimbursement fee in an amount established
1-39 by the judge for residential aftercare required as part of the
1-40 treatment plan.
1-41 (f) The clerk of a court that collects a reimbursement fee
1-42 imposed under Subsection (d)(2) shall deposit the reimbursement fee
1-43 to be sent to the comptroller as provided by Subchapter B, Chapter
1-44 133, Local Government Code, and the comptroller shall deposit the
1-45 reimbursement fee into the general revenue fund. If the clerk does
1-46 not collect a reimbursement fee imposed under Subsection (d)(2),
1-47 the clerk is not required to file any report required by the
1-48 comptroller that relates to the collection of the reimbursement
1-49 fee. In establishing the amount of a reimbursement fee under
1-50 Subsection (d)(2), the judge shall consider fines, fees, and other
1-51 necessary expenses for which the defendant is obligated. The judge
1-52 may not:
1-53 (1) establish the reimbursement fee in an amount that
1-54 is greater than 25 percent of the defendant's gross income while the
1-55 defendant is a participant in residential aftercare; or
1-56 (2) require the defendant to pay the reimbursement fee
1-57 at any time other than a time at which the defendant is both
1-58 employed and a participant in residential aftercare.
1-59 SECTION 3. Chapter 101, Code of Criminal Procedure, is
1-60 amended by adding Article 101.004 to read as follows:
1-61 Art. 101.004. MEANING OF CONVICTION. In this title, a

2-1 person is considered to have been convicted in a case if:
2-2 (1) a judgment, a sentence, or both a judgment and a
2-3 sentence are imposed on the person;
2-4 (2) the person receives community supervision,
2-5 deferred adjudication, or deferred disposition; or
2-6 (3) the court defers final disposition of the case or
2-7 imposition of the judgment and sentence.

2-8 SECTION 4. Article 102.011(a), Code of Criminal Procedure,
2-9 is amended to read as follows:

2-10 (a) A defendant convicted of a felony or a misdemeanor shall
2-11 pay the following reimbursement fees to defray the cost of the ~~[for]~~
2-12 services provided ~~[performed]~~ in the case by a peace officer:

2-13 (1) \$5 for issuing a written notice to appear in court
2-14 following the defendant's violation of a traffic law, municipal
2-15 ordinance, or penal law of this state, or for making an arrest
2-16 without a warrant;

2-17 (2) \$50 for executing or processing an issued arrest
2-18 warrant, *capias*, or *capias pro fine*, with the fee imposed for the
2-19 services of:

2-20 (A) the law enforcement agency that executed the
2-21 arrest warrant or *capias*, if the agency requests of the court, not
2-22 later than the 15th day after the date of the execution of the
2-23 arrest warrant or *capias*, the imposition of the fee on conviction;
2-24 or

2-25 (B) the law enforcement agency that processed the
2-26 arrest warrant or *capias*, if:

2-27 (i) the arrest warrant or *capias* was not
2-28 executed; or

2-29 (ii) the executing law enforcement agency
2-30 failed to request the fee within the period required by Paragraph
2-31 (A);

2-32 (3) \$5 for summoning a witness;

2-33 (4) \$35 for serving a writ not otherwise listed in this
2-34 article;

2-35 (5) \$10 for taking and approving a bond and, if
2-36 necessary, returning the bond to the courthouse;

2-37 (6) \$5 for commitment or release;

2-38 (7) \$5 for summoning a jury, if a jury is summoned; and

2-39 (8) \$8 for each day's attendance of a prisoner in a
2-40 habeas corpus case if the prisoner has been remanded to custody or
2-41 held to bail.

2-42 SECTION 5. Article 102.018(c)(1), Code of Criminal
2-43 Procedure, is amended to read as follows:

2-44 (1) Except as provided by Subsection (d) of this article, if
2-45 a person commits an offense under Chapter 49, Penal Code, and as a
2-46 direct result of the offense the person causes an incident
2-47 resulting in an accident response by a public agency, the person is
2-48 liable on conviction for the offense for the reasonable expense to
2-49 the agency of the accident response. ~~[In this article, a person is~~
2-50 ~~considered to have been convicted in a case if:~~

2-51 ~~[(A) sentence is imposed;~~

2-52 ~~[(B) the defendant receives probation or~~
2-53 ~~deferred adjudication; or~~

2-54 ~~[(C) the court defers final disposition of the~~
2-55 ~~case.]~~

2-56 SECTION 6. Section 51.607, Government Code, is amended by
2-57 amending Subsection (c) and adding Subsection (d) to read as
2-58 follows:

2-59 (c) Except as provided by Subsection (d) and
2-60 notwithstanding ~~[Notwithstanding]~~ the effective date of the law
2-61 imposing or changing the amount of a court cost or fee included on
2-62 the list, the imposition or change in the amount of the court cost
2-63 or fee does not take effect until the next January 1 after the law
2-64 takes effect.

2-65 (d) Subsection (c) does not apply to a court cost or fee if
2-66 the law imposing or changing the amount of the cost or fee takes
2-67 effect on or after the January 1 following the regular session of
2-68 the legislature at which the law was enacted.

2-69 SECTION 7. Section 133.055(b), Local Government Code, is

3-1 amended to read as follows:

3-2 (b) If the treasurer does not collect any fees during a
 3-3 calendar quarter, the treasurer shall file the report required for
 3-4 the quarter in the regular manner. The report must state that no
 3-5 fees were collected. This subsection does not apply to
 3-6 reimbursement or other fees or fines collected under Article
 3-7 42A.303, Code of Criminal Procedure, or under Section 76.013,
 3-8 Government Code.

3-9 SECTION 8. Section 133.058(d), Local Government Code, is
 3-10 amended to read as follows:

3-11 (d) A county may not retain a service fee on the collection
 3-12 of a reimbursement or other fee or fine:

3-13 (1) for the judicial fund;
 3-14 (2) under Article 42A.303 or 42A.653, Code of Criminal
 3-15 Procedure;

3-16 (3) under Section 51.851, Government Code; or

3-17 (4) under Section 51.971, Government Code.

3-18 SECTION 9. Section 31.127(f), Parks and Wildlife Code, is
 3-19 amended to read as follows:

3-20 (f) A court may dismiss a charge of operating a vessel with
 3-21 an expired certificate of number under Section 31.021 if:

3-22 (1) the defendant remedies the defect not later than
 3-23 the 10th working day after the date of the offense and pays a
 3-24 reimbursement fee [~~fine~~] not to exceed \$10; and

3-25 (2) the certificate of number has not been expired for
 3-26 more than 60 days.

3-27 SECTION 10. Section 502.407(b), Transportation Code, is
 3-28 amended to read as follows:

3-29 (b) A justice of the peace or municipal court judge having
 3-30 jurisdiction of the offense may:

3-31 (1) dismiss a charge of driving with an expired motor
 3-32 vehicle registration if the defendant:

3-33 (A) remedies the defect not later than the 20th
 3-34 working day after the date of the offense or before the defendant's
 3-35 first court appearance date, whichever is later; and

3-36 (B) establishes that the fee prescribed by
 3-37 Section 502.045 has been paid; and

3-38 (2) assess a reimbursement fee [~~fine~~] not to exceed
 3-39 \$20 when the charge is dismissed.

3-40 SECTION 11. Section 502.473(d), Transportation Code, is
 3-41 amended to read as follows:

3-42 (d) A court may dismiss a charge brought under Subsection
 3-43 (a) if the defendant pays a reimbursement fee [~~fine~~] not to exceed
 3-44 \$10 and:

3-45 (1) remedies the defect before the defendant's first
 3-46 court appearance; or

3-47 (2) shows that the motor vehicle was issued a
 3-48 registration insignia by the department that was attached to the
 3-49 motor vehicle, establishing that the vehicle was registered for the
 3-50 period during which the offense was committed.

3-51 SECTION 12. Section 502.475(c), Transportation Code, is
 3-52 amended to read as follows:

3-53 (c) A court may dismiss a charge brought under Subsection
 3-54 (a)(3) if the defendant:

3-55 (1) remedies the defect before the defendant's first
 3-56 court appearance; and

3-57 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

3-58 SECTION 13. Section 504.943(d), Transportation Code, is
 3-59 amended to read as follows:

3-60 (d) A court may dismiss a charge brought under Subsection
 3-61 (a)(1) if the defendant:

3-62 (1) remedies the defect before the defendant's first
 3-63 court appearance; and

3-64 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

3-65 SECTION 14. Section 504.945(d), Transportation Code, is
 3-66 amended to read as follows:

3-67 (d) A court may dismiss a charge brought under Subsection
 3-68 (a)(3), (5), (6), or (7) if the defendant:

3-69 (1) remedies the defect before the defendant's first

4-1 court appearance;
4-2 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10;
4-3 and

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

4-8 SECTION 15. Section 521.026(b), Transportation Code, is
4-9 amended to read as follows:

4-10 (b) The judge may assess the defendant a reimbursement fee
4-11 [~~fine~~] not to exceed \$20 when the charge of driving with an expired
4-12 driver's license is dismissed under Subsection (a).

4-13 SECTION 16. Section 521.054(d), Transportation Code, is
4-14 amended to read as follows:

4-15 (d) A court may dismiss a charge for a violation of this
4-16 section if the defendant remedies the defect not later than the 20th
4-17 working day after the date of the offense and pays a reimbursement
4-18 fee [~~fine~~] not to exceed \$20. The court may waive the reimbursement
4-19 fee [~~fine~~] if the waiver is in the interest of justice.

4-20 SECTION 17. Section 521.221(d), Transportation Code, is
4-21 amended to read as follows:

4-22 (d) A court may dismiss a charge for a violation of this
4-23 section if:

4-24 (1) the restriction or endorsement was imposed:
4-25 (A) because of a physical condition that was
4-26 surgically or otherwise medically corrected before the date of the
4-27 offense; or

4-28 (B) in error and that fact is established by the
4-29 defendant;

4-30 (2) the department removes the restriction or
4-31 endorsement before the defendant's first court appearance; and

4-32 (3) the defendant pays a reimbursement fee [~~fine~~] not
4-33 to exceed \$10.

4-34 SECTION 18. Section 547.004(c), Transportation Code, is
4-35 amended to read as follows:

4-36 (c) A court may dismiss a charge brought under this section
4-37 if the defendant:

4-38 (1) remedies the defect before the defendant's first
4-39 court appearance; and

4-40 (2) pays a reimbursement fee [~~fine~~] not to exceed \$10.

4-41 SECTION 19. Section 548.605(e), Transportation Code, is
4-42 amended to read as follows:

4-43 (e) A court shall:

4-44 (1) dismiss a charge under this section if the
4-45 defendant remedies the defect:

4-46 (A) not later than the 20th working day after the
4-47 date of the citation or before the defendant's first court
4-48 appearance date, whichever is later; and

4-49 (B) not later than the 40th working day after the
4-50 applicable deadline provided by this chapter, Chapter 382, Health
4-51 and Safety Code, or the department's administrative rules regarding
4-52 inspection requirements; and

4-53 (2) assess a reimbursement fee [~~fine~~] not to exceed
4-54 \$20 when the charge has been remedied under Subdivision (1).

4-55 SECTION 20. Section 681.013(b), Transportation Code, is
4-56 amended to read as follows:

4-57 (b) The court shall:

4-58 (1) dismiss a charge for an offense under Section
4-59 681.011(b)(1) if:

4-60 (A) the vehicle displayed a disabled parking
4-61 placard that was not valid as expired;

4-62 (B) the defendant remedies the defect by renewing
4-63 the expired disabled parking placard within 20 working days from
4-64 the date of the offense or before the defendant's first court
4-65 appearance date, whichever is later; and

4-66 (C) the disabled parking placard has not been
4-67 expired for more than 60 days; and

4-68 (2) assess a reimbursement fee [~~fine~~] not to exceed
4-69 \$20 when the charge has been remedied.

5-1 SECTION 21. The following provisions of the Code of
5-2 Criminal Procedure are repealed:

5-3 (1) Article 102.011(j); and

5-4 (2) Article 102.014(e).

5-5 SECTION 22. The changes in law made by this Act apply only
5-6 to a cost, fee, or fine on conviction for an offense committed on or
5-7 after the effective date of this Act. An offense committed before
5-8 the effective date of this Act is governed by the law in effect on
5-9 the date the offense was committed, and the former law is continued
5-10 in effect for that purpose. For purposes of this section, an
5-11 offense was committed before the effective date of this Act if any
5-12 element of the offense occurred before that date.

5-13 SECTION 23. This Act takes effect September 1, 2021.

5-14

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