

SUBJECT: Increasing arrest warrant fee paid by criminal defendant from \$50 to \$75

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Gallego, Hartnett, Burkett, Carter, Christian, Y. Davis,
Rodriguez, Zedler

0 nays

1 absent — Aliseda

WITNESSES: For — Gary Freeman, Justices of the Peace & Constables Association of Texas; Craig Pardue, Dallas County; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Adan Ballesteros, George Morales, Central Texas Justices of the Peace & Constables Association; Steve Bresnen, El Paso County, Texas; Tim Cannon; John Chancellor, Texas Police Chiefs Association; David Cobos, Bruce Elfant, Carlos Lopez, Michael Truitt, James R. Henry, Kirsha Haverlah, Bobby Gutierrez, Leslie Pool, Justices of the Peace & Constables Association of Texas; Christopher Diaz, City of Jacinto City; Deece Eckstein, Travis County Commissioners Court; Ryan Gable, Harris County Constable Pct. 4, Ron Hickman; Thomas Guevara, Bexar County; James Jones, San Antonio Police Department; Richard McCain, Robert Moore, Stacy Suits, Travis County Constable Pct. 3; Mark Mendez, Tarrant County Commissioners Court; T.J. Patterson, City of Fort Worth; Cathy Sisk, Harris County Commissioners Court; Jessica Sloman, Houston Police Department; Rick Thompson, Texas Association of Counties; Michael Vasquez, Texas Conference of Urban Counties; Monty Wynn, Texas Municipal League)

Against — None

DIGEST: HB 443 would increase the fee paid by a defendant convicted of a felony or misdemeanor from \$50 to \$75 for the execution or processing of an arrest warrant, *capias*, or *capias pro fine* by a peace officer.

The bill would take effect September 1, 2011, and would apply to arrest warrants issued for offenses committed on or after that date.

**SUPPORTERS
SAY:**

HB 443 would increase the fee paid by convicted defendants from \$50 to \$75 to recoup the actual cost of executing the warrant, which ranges from \$85 to \$128 depending on the jurisdiction. The costs of executing warrants should be borne by convicted defendants, not taxpayers. Taxpayers currently and unfairly bear 40 to 60 percent of the costs of executing warrants. The fiscal note estimates that the fee increase would result each year in additional revenue of \$3.4 million for Harris County, \$140,000 for Bell County, and \$13,000 for Eastland County.

Not only would local governments increase their revenues to offset costs, but the fiscal note shows a \$200,000 yearly increase to general revenue, since 20 percent of the warrant execution fee is currently remitted to the comptroller if a peace officer executes the warrant. Currently, the fee raises more than \$1.0 million per year.

**OPPONENTS
SAY:**

The administration of justice benefits all citizens, so the costs of administering justice should be borne by all citizens. HB 443 would require defendants to pay just \$25 more, but for indigent defendants that is \$25 more than they have. Defendants already pay 11 mandatory court costs that add up to about \$93, and 25 costs are assessed on top of that, depending on the circumstances, including this warrant execution fee. Total court costs paid by a defendant could reach \$250. These court costs are in addition to fines assessed for the crime itself.

A better way to control warrant execution costs would be simply to suspend the warrant execution fee. Warrant amnesty programs should be used more often to encourage people to turn themselves in, pay their criminal fines, and get a fresh start. These programs eliminate the need for warrant execution fees, saving money for the county and increasing revenue through payment of delinquent criminal fines.

NOTES:

The companion bill, SB 374 by Wentworth, has been referred to the Senate Criminal Justice Committee.