

- SUBJECT:** Increasing a defendant's fee for the execution of a warrant
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 8 ayes — Phillips, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray
- 1 nay — Nevárez
- WITNESSES:** For — Bobby Gutierrez and Carlos Lopez, Justices of the Peace and Constables Association of Texas; (*Registered, but did not testify:* Carlos Omar Garcia, 79th District Attorney; Seth Mitchell, Bexar County Commissioners Court; Charles Reed, Dallas County; Donna Warndof, Harris County; Bill Elkin, Houston Police Retired Officers Association; Kirsha Haverlah, Justices of the Peace and Constables Association; Buddy Mills and T. Michael O'Connor, Sheriffs' Association of Texas; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; Donald Lee, Texas Conference of Urban Counties)
- Against — Emily Gerrick, Texas Fair Defense Project
- DIGEST:** HB 1425 would increase from \$50 to \$75 the fee assessed to a defendant convicted of a crime for the service performed in the case by a peace officer in executing or processing an arrest warrant, *capias*, or *capias pro fine*.
- The bill would take effect September 1, 2015, and would apply only to a fee imposed for the execution or processing of a warrant for an offense that was committed on or after that date.
- SUPPORTERS SAY:** HB 1425 would help offset the burden on taxpayers who subsidize the cost of executing a warrant and would place more of the burden on the defendant. The current fee of \$50 does not cover the actual costs of executing a warrant, which is almost double the current fee.

HB 1425 would not place an increased burden on indigent defendants. Under the Code of Criminal Procedure, ch. 43, the court has discretion to waive the fee for a defendant who defaults in payment if the court determines the defendant is indigent.

OPPONENTS  
SAY:

HB 1425 would further burden indigent defendants. Many arrest warrants are executed solely because an individual could not afford to pay a citation. Increasing the fine for the execution of a warrant would only compound the problem. The bill would not include an ability-to-pay provision to protect defendants who could not pay the fee.

HB 1425 could require a fee payment above the actual cost of executing an arrest warrant. Many times a defendant has outstanding arrest warrants for more than one offense, and a fee is imposed for each warrant, even if all are executed at once. A warrant fee still might be charged if an individual was not arrested or turned himself or herself into the police. These fees are deposited in the general revenue fund and therefore are not specifically used to cover the actual costs of a warrant execution.

NOTES:

According to the Legislative Budget Board's fiscal note, the bill would have an estimated positive net impact to general revenue of \$2.2 million through fiscal 2016-17.