

BILL ANALYSIS

Senate Research Center

H.B. 2385
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Criminal Justice
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some district attorneys believe pretrial intervention programs are beneficial. H.B. 2385 establishes a fee to be collected by district attorneys, criminal district attorneys, and county attorneys for administering pretrial intervention programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 102.012(b), Code of Criminal Procedure, to authorize the court to order the defendant to pay or reimburse a community supervision and corrections department for any expense that is incurred as a result of the defendant's participation in the pretrial intervention program, other than an expense described by Article 102.0121 (Fees for Certain Expenses Related to Pretrial Intervention Programs), Code of Criminal Procedure, or necessary to the defendant's successful completion of the program in addition to or in lieu of the supervision fee authorized by Subsection (a). Makes conforming changes.

SECTION 2. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.0121, as follows:

Art. 102.0121. FEES FOR CERTAIN EXPENSES RELATED TO PRETRIAL INTERVENTION PROGRAMS. (a) Authorizes a district attorney, criminal district attorney, or county attorney to 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 district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county.

(b) Authorizes the district attorney, criminal district attorney, or county attorney to collect the fee from any defendant who participates in a pretrial intervention program administered in any part by the attorney's office.

(c) Requires fees collected under this article to be deposited in the county treasury in a special fund to be used solely to administer the pretrial intervention program. Authorizes an expenditure from the fund to be made only in accordance with a budget approved by the commissioners court.

SECTION 3. Amends Section 103.021, Government Code, to include a supervision fee (Article 102.012(a) (setting forth a fee that a court that authorizes a defendant to participate in a certain pretrial intervention program is authorized to order the defendant to pay), rather than 102.012 (Fees for Pretrial Interventions Programs), Code of Criminal Procedure) of \$60 a month plus expenses and a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121 (Fees for Certain Expenses Related to Pretrial Intervention Programs, Code of Criminal Procedure) not to exceed \$500, for a pretrial intervention program, in the list of fees and costs an accused or defendant, or a party to a civil suit, as applicable, is required to pay if ordered by the court.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.