

BILL ANALYSIS

Senate Research Center

S.B. 82
By: Nelson, Uresti
Jurisprudence
9/29/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, a judge may order an offender convicted of family violence to pay up to \$100 to a family violence shelter center as a condition of community supervision. Family violence centers are struggling to provide services as federal grants and charitable donations decline.

S.B. 82 amends current law relating to a fee imposed as a condition of community supervision for an offense involving family violence and to certain nonsubstantive revisions involving court fees.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11(h), Article 42.12, Code of Criminal Procedure, to require, rather than authorize, a judge, if the judge grants community supervision to a person convicted of an offense under Title 5 (Offenses Against the Person), Penal Code, that the court determines involves family violence, to require the person to pay \$100 to a family violence center, rather than make one payment in an amount not to exceed \$100 to a family violence shelter center, that receives state or federal funds and that serves the county in which the court is located. Defines "family violence center."

SECTION 2. (a) Amends Section 103.021, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to conform to the amendments made to Section 103.021, Government Code, by Chapter 1226 (H.B. 2385), Acts of the 80th Legislature, Regular Session, 2007, and to conform to Chapters 805 (S.B. 1083) and 910 (H.B. 2949), Acts of the 80th Legislature, Regular Session, 2007, as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. Requires an accused or defendant, or a party to a civil suit, as applicable, to pay certain fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required, including a family violence center fee, rather than a family violence shelter center fee, (Art. 42.12 (Community Supervision), Code of Criminal Procedure) of \$100, rather than not to exceed \$100; an additional fee for a copy of the defendant's driving record requested from the Department of Public Safety of the State of Texas by the judge (Art. 45.0511(c-1) (regarding a judge requiring a defendant to pay a fee for requesting a driver safety course or motorcycle operator training course dismissal for the purpose of obtaining the defendant's driving record), Code of Criminal Procedure) for an amount equal to the sum of the fee established by Section 521.048 (Certified Information), Transportation Code, and the TexasOnline fee, rather than \$10; a request fee for teen court program (Art. 45.052 (Dismissal of Misdemeanor Charge on Completion of Teen Court Program), Code of Criminal Procedure) of \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10; a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) of \$20 if the court ordering the fee is located in the Texas-Louisiana

border region, but otherwise \$10; fees for a pretrial intervention program including a supervision fee (Art. 102.012(a) (regarding the defendant paying to the court a supervision fee as a condition of participating in a pretrial intervention program), Code of Criminal Procedure, rather than Art. 102.012 (Fees For Pretrial Intervention Programs)) of \$60 a month plus expenses, rather than not to exceed \$60; 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.

(b) Repealer: Section 103.021 (Additional Fees and Costs in Criminal or Civil Cases), Government Code, as amended by Chapter 1226 (H.B. 2385), Acts of the 80th Legislature, Regular Session, 2007.

Provides that Section 103.021, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is reorganized and renumbered and continues in effect as further amended by this section.

SECTION 3. Makes application of Section 11(h), Article 42.12, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2009.