

BILL ANALYSIS

Senate Research Center

S.B. 287
By: West
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1908 (West et al.; SP: Lewis), 83rd Legislature, Regular Session, 2013, required the Office of Court Administration to conduct a study on the necessity of all court costs and fees. The report associated with this study identified four obsolete fees that need to be repealed in statute. S.B. 287 does that. The fees are as follows:

- Special Harris County Justice Court cost (Article 102.009, Code of Criminal Procedure; Section 102.101, Government Code).
- Fee for an additional review of an appraisal board order (Section 101.0617, Government Code; Section 42.221, Tax Code).
- County attorney's fee in certain suits against a railroad company (Sections 101.0817 and 101.1216, Government Code; Section 112.059(e), Transportation Code).
- Fee for hearing an application to secure a pension (Section 101.122(b), Government Code, and Article 6219, Revised Statutes).

S.B. 287 amends current law relating to the elimination of certain court fees and costs and to the bill of costs provided to a defendant.

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 Article 103.001, Code of Criminal Procedure, as follows:

Art. 103.001. COSTS PAYABLE. (a) Provides that, in a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill is:

- (1) produced or ready to be produced, containing the items of cost; and
- (2) signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost.

(b) Provides that, in a court other than a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill containing the items of cost is:

- (1) produced;
- (2) signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost; and
- (3) provided to the person charged with the cost.

SECTION 2. Amends Section 102.101, Government Code, as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. Requires a clerk of a justice court to collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1)-(6) Makes no change to these subdivisions;

(7) Makes a nonsubstantive change to this subdivision;

(8) Creates this subdivision from the text of existing Subdivision (9). Deletes existing text requiring a court to collect on conviction of a defendant a court cost not to exceed \$7 on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure).

SECTION 3. Amends Section 42.221(b), Tax Code, as follows:

(b) Requires that a petition for review of each appraisal review board under this section be filed with the court as provided by Section 42.21 (Petition for Review). Deletes existing text providing that the fee for filing each additional petition for review under this section after the first petition for review relating to the same property is filed for a tax year is \$5.

SECTION 4. Repealer: Article 102.009 (Court Costs in Certain Counties), Code of Criminal Procedure.

Repealer: Section 101.0617 (District Court Fees and Costs: Tax Code), Government Code.

Repealer: Section 101.0817 (Statutory County Court Fees and Costs: Transportation Code), Government Code.

Repealer: Section 101.1216 (County Court Fees and Costs: Transportation Code), Government Code.

Repealer: Section 101.122(b) (relating to requiring a county judge to collect the fee for hearing an application to secure a pension), Government Code.

Repealer: Section 112.059(e) (relating to providing that a county attorney is entitled to a fee of \$10, taxed as costs, for each suit maintained by the county attorney under this section), Transportation Code.

Repealer: Article 6219 (Fees of County Judge), Revised Statutes.

SECTION 5. Provides that Article 103.001, Code of Criminal Procedure, as amended by this Act, applies only to a cost incurred on or after the effective date of this Act. Provides that a cost incurred before the effective date of this Act is governed by the law in effect on the date the cost was incurred, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: upon passage or September 1, 2015.