

BILL ANALYSIS

Senate Research Center
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S.B. 1923
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session the legislature passed S.B. 346 to consolidate criminal court costs and ensure they are constitutional. There are several criminal court costs left in statute, however, that could present constitutional issues. What's more, it is unclear where clerks should direct some of the funds from certain fines and reimbursement fees established by S.B. 346. Last, the definition of conviction for the purposes of criminal court costs does not include community supervision, deferred adjudication, or deferred disposition of a case. This construction is not logical for the purposes of criminal court costs, which are usage fees. A person who receives deferred adjudication should not have a conviction on his or her criminal record, but should pay the costs related to the services provided by the court like any defendant whose case does not end in acquittal.

S.B. 1923 would reclassify any remaining criminal court costs that are directed to general revenue accounts as reimbursement fees or fines. It also would clarify what services a defendant is paying for when certain reimbursement fees are imposed and who receives these funds. What's more, the bill defines "conviction," in the limited context of court costs, as when a criminal court imposes a judgment, sentence, or both; sentences a person to community supervision, deferred adjudication, or deferred disposition; or defers final disposition of the case.

As proposed, S.B. 1923 amends current law relating to certain criminal court costs, fines, and 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 Article 42.152(b), Code of Criminal Procedure, as follows:

(b) Requires the clerk of the court or fee officer, after receiving a payment of a fine from a person ordered to make the payment under Article 42.152 (Repayment of Reward), to, among other actions, deduct a one-time \$7 reimbursement fee from the payment for deposit in the general fund of the county, rather than a one-time \$7 processing fee from the payment.

SECTION 2. Amends Articles 42A.303(d) and (f), Code of Criminal Procedure, as follows:

(d) Requires a judge, if the judge requires as a condition of community supervision that the defendant serve a term of confinement and treatment in a substance abuse felony punishment facility under Article 42A.303 (Substance Abuse Felony Program), to also require as a condition of community supervision that on release from the facility the defendant, among other actions, pay a reimbursement fee, rather than a fee, in an amount established by the judge for residential aftercare required as part of the treatment plan.

(f) Makes conforming changes to this subsection.

SECTION 3. Amends Chapter 101, Code of Criminal Procedure, by adding Article 101.004, as follows:

Art. 101.004. MEANING OF CONVICTION. Provides that in Title 2 (Code of Criminal Procedure), a person is considered to have been convicted in a case if a judgment, a sentence, or both a judgment and a sentence are imposed on the person; if the person receives community supervision, deferred adjudication, or deferred disposition; or if the court defers final disposition of the case or imposition of the judgment and sentence.

SECTION 4. Amends Article 102.011(a), Code of Criminal Procedure, to require a defendant convicted of a felony or a misdemeanor to pay certain reimbursement fees to defray the cost of the services provided, rather than for services performed, in the case by a peace officer.

SECTION 5. Amends Article 102.018(c)(1), Code of Criminal Procedure, to delete existing text providing that, in Article 102.018 (Reimbursement Fees and Expenses Attendant to Intoxication Convictions), a person is considered to have been convicted in a case if sentence is imposed, if the defendant receives probation or deferred adjudication, or if the court defers final disposition of the case.

SECTION 6. Amends Section 51.607, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, except as provided by Subsection (d) and notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect. Makes a nonsubstantive change.

(d) Provides that Subsection (c) does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee takes effect on or after the January 1 following the regular session of the legislature at which the law was enacted.

SECTION 7. Amends Section 133.055(b), Local Government Code, to provide that this subsection does not apply to reimbursement or other fees or fines, rather than does not apply to fees or fines, collected under Article 42A.303, Code of Criminal Procedure, or under Section 76.013 (Restitution), Government Code.

SECTION 8. Amends Section 133.058(d), Local Government Code, to make a conforming change.

SECTION 9. Amends Section 31.127(f), Parks and Wildlife Code, to authorize a court to dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 (Required Numbering) if certain criteria are met, including if the defendant remedies the defect not later than the 10th working day after the date of the offense and pays a reimbursement fee, rather than a fine, not to exceed \$10.

SECTION 10. Amends Section 502.407(b), Transportation Code, to make a conforming change.

SECTION 11. Amends Section 502.473(d), Transportation Code, to make a conforming change.

SECTION 12. Amends Section 502.475(c), Transportation Code, to make a conforming change.

SECTION 13. Amends Section 504.943(d), Transportation Code, to make a conforming change.

SECTION 14. Amends Section 504.945(d), Transportation Code, to make a conforming change.

SECTION 15. Amends Section 521.026(b), Transportation Code, to make a conforming change.

SECTION 16. Amends Section 521.054(d), Transportation Code, to make conforming changes.

SECTION 17. Amends Section 521.221(d), Transportation Code, to make a conforming change.

SECTION 18. Amends Section 547.004(c), Transportation Code, to make a conforming change.

SECTION 19. Amends Section 548.605(e), Transportation Code, to make a conforming change.

SECTION 20. Amends Section 681.013(b), Transportation Code, to make a conforming change.

SECTION 21. Repealer: Article 102.011(j) (relating to the definition of "conviction"), Code of Criminal Procedure.

Repealer: Article 102.014(e) (relating to the provision that a person is considered to have been convicted in a case if the person meets certain criteria), Code of Criminal Procedure.

SECTION 22. Makes application of this Act prospective.

SECTION 23. Effective date: September 1, 2021.