



County Treasurers' Association of Texas

HB435

Allows a court clerk to request to find a **CIVIL** fee that has been uncollected for at least 15 years to be classified as uncollectible in the court record.

- Not applicable to fees imposed by the Supreme Court, Court of Criminal Appeals, or Court of Appeals.

Effective 9-1-19

HB435

The bill also repeals the Code of Criminal Procedure Article 103.0081(c) to remove the county population limits the article applies to.

Now, all counties are allowed to classify criminal fees assessed as uncollectible under certain circumstances and with a court's order.

Effective 9-1-19

HB1399

Requires Law Enforcement to collect a specimen for DNA testing from certain defendants arrested for:

- Lots of offenses listed from the Penal Code (17 new offenses listed; see next slide for list)

And it requires collection of specimens for DNA testing from defendants convicted of certain misdemeanors.

- (no new offenses added)

Effective 9-1-19



HB1399

Arrested Offenses Penal Code:

19.02 Murder

19.03 Capital Murder

20.03 Kidnapping

20.04 Aggravated Kidnapping

20.05 Smuggling of Persons

20.06 Continuous Smuggling of Persons

20A.02 Trafficking of Persons

20A.03 Continuous Trafficking of Persons

21.02 Continuous Sexual Abuse of a Child

21.11 Indecency with a Child (Old)

22.01 Assault

22.011 Sexual Assault (Old)

22.02 Aggravated Assault

22.021 Aggravated Sexual Assault (Old)

25.02 Prohibited Sexual Contact (Old)

29.02 Robbery

29.03 Aggravated Robbery

30.02 Burglary

31.03 Burglary of Coin Operated Machine

43.03 Promotion of Prostitution

43.04 Aggravated Promotion of Prostitution

43.05 Compelling Prostitution

43.25 Sexual Performance by a Child (Old)

43.26 Possession/Promotion of Child Pornography



HB1399

Convicted:

Title 5 of Penal Code

- Except described by Subdivision (1)

Punishable as Class A misdemeanor or higher

- Except for Class A misdemeanor:
 - 20.02 Unlawful Restraint
 - 22.01 Assault
 - 22.05 Deadly conduct

Penal Code:

21.08 Indecent Exposure

25.04 Enticing a Child

43.02 (b) Paying for a prostitute/sexual conduct

43.24 Sale, distribution, or display of harmful material to a minor

Defendant granted community supervision for a felony

HB1631

Repeals Transportation Code 707: Photographic Enforcement Systems

- The bill prohibits a local authority from issuing a civil or criminal citation for an offense or violation *based on a recorded image produced by a photographic traffic enforcement system.*
- Contracts with a third party operator of the equipment can continue in effect until the stated end date in the contract.



HB1631 continued...

- Contracts entered into prior to May 7, 2019 can remain in effect until the stated end date and fines can be issued in accordance with that contract.
- TX DMV or TAC may not refuse to register a motor vehicle alleged to have been involved in a violation of TC Ch. 707 solely because the owner is delinquent in the payment of the civil penalty.

Effective 6-2-19



HB2048

Repeals Transportation Code 708: Driver Safety Program

- Bill is applicable to all offenses PENDING at the time of the effective date of the bill.
- Directs the DPS to reinstate any drivers license that was suspended under TC 708.512 if the license was only suspended because of non-payment of the 708 surcharge.

HB2048 continued...

State Traffic Fine:

- Fine amount increases from \$30 to **\$50**.
- Decreases the service fee from 5% to **4%**
- Changes the allocation of the fine to send 70% to the General Revenue Fund and 30% to the Designated Trauma Fund and Emergency Medical Services Account.

HB2048 continued...

The bill requires that a person conducting a driver safety course cannot have been convicted in the 3 prior years of moving violations or violations that resulted in an accident.

HB2048 continued...

Adds a new section in the Transportation Code: 709 Miscellaneous Traffic Fines

Offenses relating to the operating of a motor vehicle while intoxicated:

- Fine of \$3,000 for first conviction within 36 months
- Fine of \$4,500 for a second conviction or subsequent conviction within 36 months
- Fine of \$6,000 for a 1st or subsequent conviction if at the trial it is shown that the analysis of the person's blood, breath, or urine showed an alcohol concentration greater than **0.15** at the time of analysis.



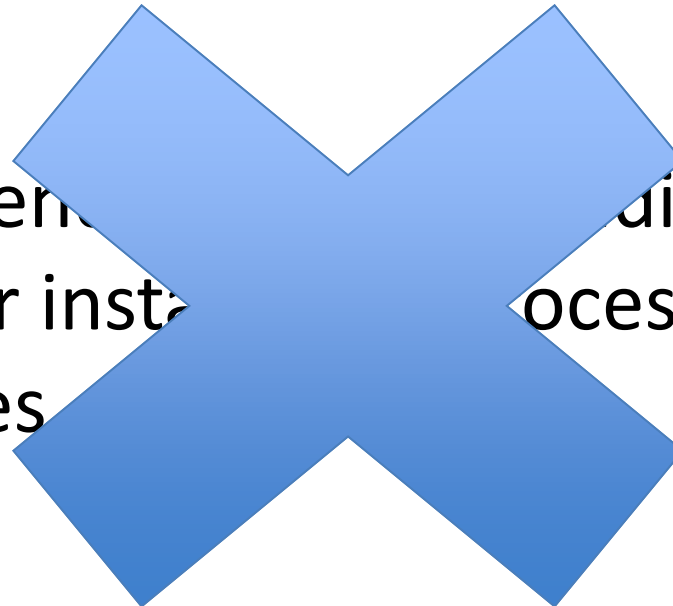
HB2048 continued...

Transportation Code: 709 Miscellaneous Traffic Fines continued...

- A municipality or county may retain 4% of the fine collected under this section if timely filed.
- Comptroller will allocate 80% to General Revenue Fund and 20% to the Designated Trauma Facility and Emergency Medical Services Account.
- Funds collected are subject to audit by the Comptroller.

HB2475—VETOED

Allows a defendant to request a hearing at any point in their installment process of paying off fees and fines



HB2481—VETOED

Allows a defendant participating in a Veterans Treatment Program to participate in a program that is in a county where the defendant lives or

Also creates a family court program that is established by a county commissioners court.

HB2835

Amends Section 502.407 of the Transportation Code to allow an additional defense to the offense of operating a motor vehicle with an expired vehicle registration if, at the time of the offense, the office of the county tax-assessor (TAC) where the defendant lives was closed for a protracted period of time AND if the vehicle registration was expired for 30 working days or less.

Effective 9-1-19



HB3361

Alters the criteria that a county clerk will collect the court reporter fee from a municipality with a population greater than 500,000 **to a county with a population greater than 750,000.**

Effective 6-14-19

SB346

- Consolidates Court Fees
 - State costs
 - **Local costs**
- Repeals court fees
- Increases some fee amounts
- Converts some fees/funds to be local
- Changes references of “fee” or “costs” to “fine” or “reimbursement”
- Changes allocation % of Consolidated Court Costs fee to various funds
- Indigent notifications/requests
- Effective dates:
 - Rate changes are effective 1-1-20 as stated in the bill
 - Other sections effective varied dates

SB346—Consolidated Court Costs (State)

STATE Consolidated Court Fee upon conviction of:

- Felony: \$185
- Class A or Class B Misdemeanor: \$147
- Non-jailable Misdemeanor: \$62
 - Includes criminal violation of municipal ordinance, other than conviction of an offense related to pedestrian or parking of a motor vehicle

Applicable for offenses COMMITTED after 1-1-20



SB346—Consolidated Court Costs (Local)

LOCAL Consolidated Court Fee upon conviction of:

- Felony: \$105 (pg. 9)
- Class A or Class B Misdemeanor: \$123 (pg. 10)
- Non-jailable Misdemeanor: \$14 (pg. 11)

Applicable for offenses COMMITTED after 1-1-20



SB346—REPEALED COURT COSTS

Code of Criminal Procedure Article:

STATE COSTS:

- 102.0045: Jury Reimbursement Fee
- 102.020:
 - DNA Testing Fee
 - DNA Testing Fee Community Supervision (DNA CS)
- 102.0178: Specialty Court Program
- 102.022: Moving Violations Fee

LOCAL COSTS: (not an all inclusive list)

- 42.037: Restitution Fee
- 102.004: Jury Fee
- 102.005:
 - Clerk Fee
 - Certified Copy Fee
 - Records Management & Preservation Fund
- 102.008: Prosecutor's Fee
- 102.0174: Juvenile Case Manager Fund
- 102.0178: Regional Veterans Program Fee
- 102.0071: Justice Court Dishonored Check Fee

SB346—REPEALED COURT COSTS

Government Code Sections:

STATE COSTS:

- 51.702 (b): Judicial Fund (GC 102.0211)
 - Criminal cost only
 - Statutory County Courts
- 51.703 (b): Judicial Fund Filing Fee
 - Criminal cost only
 - Constitutional County Courts
- 51.851 (a) & (d): Electronic Filing System Fund
 - Criminal only

SB346—REPEALED COURT COSTS

Government Code Sections:

LOCAL COSTS: (not an all inclusive list)

- 21.007: Child Support Management Account
- 30.00014 (f): Clerk's Fee
- 30.00147 (b) & (g): Appellate Court Docket Fee
 - City of El Paso only
- 54.313, 54.663, 54.883, 54.913, & 54.983: Costs of Magistrate assessed only on non-prevailing party
- 54.745 (b) & (c): Pre Trial Diversion Fee
 - El Paso County only

SB346—REPEALED COURT COSTS

Local Government Code Sections

- 133.103 (b) & (d): Time Payment Fee
 - Sort of: Becomes local fee of \$15
 - To be used locally to improve collection of outstanding court costs, fees, and fines
- 133.105: Judicial Support Fee
- 133.107: Indigent Defense Fund



SB346—REPEALED COURT COSTS

Transportation Code Section 706.007:

- Failure to Appear –no longer a State cost
 - Reduced fee amount of \$10 retained locally

Human Resources Code Section 152.0522:

- Juvenile Placement Fund
 - Comal County only

Family Code Sections 202.005 (c) & (d):

- Friend of the Court—no compensation allowed from the Court Management Account

Parks & Wildlife Code 12.110 (b):

- Costs associated with storage, care, feeding, etc. of unlawfully possessed game

SB346— Partial Repeal of HB351 from 85th Reg. Session (Section 3)

Code of Criminal Procedure sections repealed:

- 42.15(a-1)
- 43.05(a-1)
- 45.041(a-1)
- 45.045(a-2)

Repeals language from HB351 in 85th Session that requires courts to inquire of defendants ability to pay and how the court should allow the defendant to discharge the court costs and fines.

SB346—Indigency Claims (Section 3)

The Code of Criminal Procedure is amended to add Article 43.035 to allow procedures for a defendant to claim indigency.

- Has to notify the court of indigency claim
- The court shall hold a hearing to determine whether the judgment imposes undue hardship on the defendant.
- The court may decline to hold a hearing if the court:
 - Already held a hearing and is able to determine if the judgment imposes an undue hardship on the defendant.
 - Can determine without a hearing that the judgment is an undue hardship or the fine/costs should be satisfied in some other way
- The court retains jurisdiction for the purpose of making a determination.

SB346—Appearance via Telephone or Videoconference (Section 3)

If a justice or judge determines that requiring a defendant to appear before the court in person for a hearing would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference.

Only applies to hearings for:

- Reconsideration of fines or costs (claim of indigency)
- Issuing a *capias pro fine*

SB346—Court Reporter Fee (Section 4)

Government Code sections repealed (Court Reporter Fee):

- 25.0593 (k) Dallas County Criminal Court
- 25.0594 (l) Dallas County Criminal Court of Appeals
- 25.1572 (h) McClennan County Court at Law
 - Civil and Probate cases fee IS ALLOWED
- 25.2223 (i) Tarrant County Criminal Court

SB658

This bill makes permanent the increase of \$10 for the civil:

- Records Management and Preservation Fee
- Records Archive Fee
- District Court Records Archive Fee

Previously set to expire 8-31-19.

Effective Date is 9-1-19



SB891

- Major reorganization of District, Statutory County, and Municipal courts throughout Texas;
- Adds masters and magistrates to various courts throughout TX;
- Adds regulations for District and County Attorneys;
- Revises regulations for court reporters working in various courts;
- Revises regulations related to juvenile boards;
- Allows the electronic publication, service, and display of legal documents;
- Revises regulations related to notarization requirements;
- Mandates the OCA to publish the changes in court costs, fines, etc.
- Effective varying dates starting 9-1-19



SB2342

The bill amends Government Code by:

- Increasing the amount in dispute for civil cases that the statutory county court, county court, and district courts have concurrent jurisdiction.
- Changes some juror requirements for various cases and courts.
- Changes concurrent jurisdiction for various courts.

Effective 09/01/2020 (for cause of action FILED on or after the effective date)

References

Texas Comptroller Revenue Accounting:

- Court.costs@cpa.texas.gov
- 800-531-5441 ext. 34276

Texas Comptroller Audit Division:

- Lindsey.klein@cpa.texas.gov
- 972-888-5335
- Audit Division Local Revenue Manual