

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009
Date

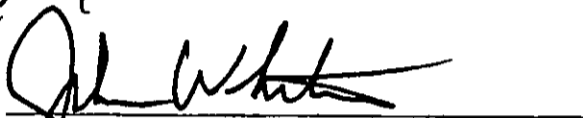
Honorable David Dewhurst
President of the Senate

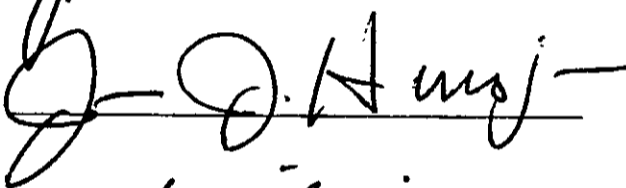
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 666 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



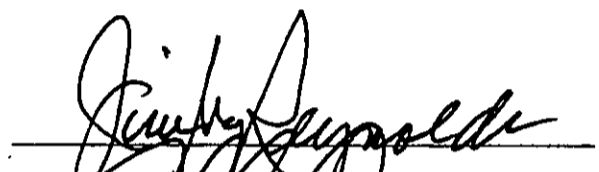


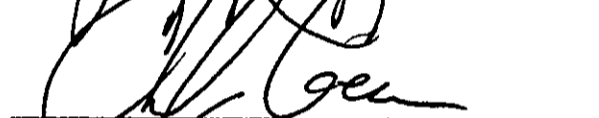


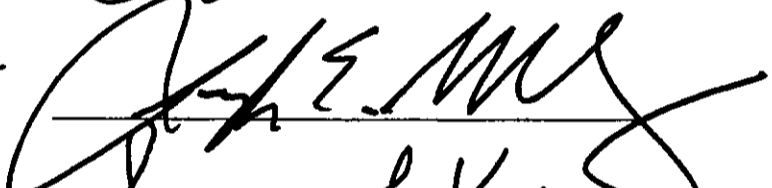




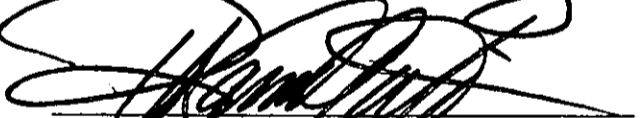
On the part of the Senate











On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 666

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain costs used to fund drug court programs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article 102.0178(a), Code of Criminal Procedure,
5 is amended to read as follows:

6 (a) In addition to other costs on conviction imposed by this
7 chapter, a person shall pay \$60 [~~\$50~~] as a court cost on conviction
8 of an offense punishable as a Class B misdemeanor or any higher
9 category of offense under:

10 (1) Chapter 49, Penal Code; or

11 (2) Chapter 481, Health and Safety Code.

12 SECTION 2. (a) Section 102.021, Government Code, is
13 amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th
14 Legislature, Regular Session, 2007, and is further amended to read
15 as follows:

16 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
17 PROCEDURE. A person convicted of an offense shall pay the following
18 under the Code of Criminal Procedure, in addition to all other
19 costs:

20 (1) court cost on conviction of any offense, other
21 than a conviction of an offense relating to a pedestrian or the
22 parking of a motor vehicle (Art. 102.0045, Code of Criminal
23 Procedure) . . . \$4;

24 (2) a fee for services of prosecutor (Art. 102.008,

1 Code of Criminal Procedure) . . . \$25;

2 (3) fees for services of peace officer:

3 (A) issuing a written notice to appear in court
4 for certain violations (Art. 102.011, Code of Criminal Procedure)
5 . . . \$5;

6 (B) executing or processing an issued arrest
7 warrant, [~~or~~] capias, or capias pro fine (Art. 102.011, Code of
8 Criminal Procedure) . . . \$50;

9 (C) summoning a witness (Art. 102.011, Code of
10 Criminal Procedure) . . . \$5;

11 (D) serving a writ not otherwise listed (Art.
12 102.011, Code of Criminal Procedure) . . . \$35;

13 (E) taking and approving a bond and, if
14 necessary, returning the bond to courthouse (Art. 102.011, Code of
15 Criminal Procedure) . . . \$10;

16 (F) commitment or release (Art. 102.011, Code of
17 Criminal Procedure) . . . \$5;

18 (G) summoning a jury (Art. 102.011, Code of
19 Criminal Procedure) . . . \$5;

20 (H) attendance of a prisoner in habeas corpus
21 case if prisoner has been remanded to custody or held to bail (Art.
22 102.011, Code of Criminal Procedure) . . . \$8 each day;

23 (I) mileage for certain services performed (Art.
24 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

25 (J) services of a sheriff or constable who serves
26 process and attends examining trial in certain cases (Art. 102.011,
27 Code of Criminal Procedure) . . . not to exceed \$5;

1 (4) services of a peace officer in conveying a witness
2 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
3 \$10 per day or part of a day, plus actual necessary travel expenses;

4 (5) overtime of peace officer for time spent
5 testifying in the trial or traveling to or from testifying in the
6 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

7 (6) court costs on an offense relating to rules of the
8 road, when offense occurs within a school crossing zone (Art.
9 102.014, Code of Criminal Procedure) . . . \$25;

10 (7) court costs on an offense of passing a school bus
11 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

12 (8) court costs on an offense of truancy or
13 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
14 . . . \$20;

15 (9) cost for visual recording of intoxication arrest
16 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
17 \$15;

18 (10) cost of certain evaluations (Art. 102.018, Code
19 of Criminal Procedure) . . . actual cost;

20 (11) additional costs attendant to certain
21 intoxication convictions under Chapter 49, Penal Code, for
22 emergency medical services, trauma facilities, and trauma care
23 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

24 (12) additional costs attendant to certain child
25 sexual assault and related convictions, for child abuse prevention
26 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

27 (13) cost for DNA testing for certain felonies (Art.

1 102.020, Code of Criminal Procedure) . . . \$250;

2 (14) court cost on an offense of public lewdness or
3 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
4 \$50;

5 (15) if required by the court, a restitution fee for
6 costs incurred in collecting restitution installments and for the
7 compensation to victims of crime fund (Art. 42.037, Code of
8 Criminal Procedure) . . . \$12; ~~and~~

9 (16) if directed by the justice of the peace or
10 municipal court judge hearing the case, court costs on conviction
11 in a criminal action (Art. 45.041, Code of Criminal Procedure)
12 . . . part or all of the costs as directed by the judge; and

13 (17) costs attendant to convictions under Chapter 49,
14 Penal Code, and under Chapter 481, Health and Safety Code, to help
15 fund drug court programs established under Chapter 469, Health and
16 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

17 (b) Section 102.0215, Government Code, is repealed.

18 SECTION 3. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 covered by the law in effect when the offense was committed, and the
22 former law is continued in effect for that purpose. For purposes of
23 this section, an offense was committed before the effective date of
24 this Act if any element of the offense was committed before that
25 date.

26 SECTION 4. This Act takes effect September 1, 2009.

House Bill 666
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Article 102.0178, Code of Criminal Procedure, is amended as follows:

Art. 102.0178. Court Costs; [~~Attendant to Certain Intoxication and~~] Drug Court Programs [~~Convictions~~].

SECTION 2. Article 102.0178(a), Code of Criminal Procedure, is amended to require a person convicted of an offense punishable as a Class B misdemeanor or any higher category of offense under provisions governing assaultive offenses, offenses against the family, certain offenses against property, weapons offenses, intoxication and alcoholic beverages offenses, or the Texas Controlled Substances Act to pay a \$50 court cost on conviction to help fund drug court programs, in addition to other costs imposed on conviction under state law.

SECTION 3. (a) Section 102.021, Government Code, COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE, is amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th Legislature, Regular Session, 2007, relating to the payment of a \$50 court cost for executing or processing an issued capias pro fine and is further amended to make conforming changes.

(b) Section 102.0215, Government Code, is repealed.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and

SENATE VERSION

No equivalent provision.

SECTION 1. Same as House version, except increases the court cost to \$60 and applies only to a person convicted of a Class B misdemeanor or any higher category of offense under provisions governing intoxication and alcoholic beverages offenses or the Texas Controlled Substances Act.

SECTION 2. Same as House version, except makes changes to conform to the \$60 court cost and to the applicable convictions of offenses under the specified statutory provisions.

No equivalent provision.

CONFERENCE

Same as Senate version.

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

Same as Senate version.

House Bill 666
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

corrections in enacted codes.

No equivalent provision.

SECTION ___. Chapter 469, Health and Safety Code, is amended by designating Sections 469.001 through 469.009 as Subchapter A and adding a heading to that subchapter to read as follows:
Subchapter A. Drug Court Programs

Same as House version.

No equivalent provision.

SECTION ___. Chapter 469, Health and Safety Code, is amended by adding Subchapter B as follows:
Subchapter B. Associate Judges for Drug Court Programs
Sec. 469.051. Appointment by Presiding Judge.
Sec. 469.052. Qualifications.
Sec. 469.053. Designation of Host County.
Sec. 469.054. Order of Referrals; General Powers of Associate Judge.
Sec. 469.055. Court Reporter; Record.
Sec. 469.056. Judicial Action.
Sec. 469.057. Judicial Immunity.
Sec. 469.058. Compensation.
Sec. 469.059. Personnel.
Sec. 469.060. Supervision of Associate Judges.
Sec. 469.061. Funding.
Sec. 469.062. Assignment of Judges and Appointment of Visiting Associate Judges.
Sec. 469.063. Limitation on Law Practice by Associate Judge.

Same as House version.

House Bill 666
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Specifies that this Act does not make an appropriation and that certain provisions are not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

Same as House version.

SECTION 5. Saving provision.

SECTION 3. Same as House version..

SECTION 3. Same as House version.

SECTION 6. Effective date.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB666** by Gutierrez (Relating to certain costs used to fund drug court programs.),
Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for HB666, Conference Committee Report: a positive impact of \$457,000 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$133,000
2011	\$324,000
2012	\$329,000
2013	\$335,000
2014	\$340,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from General Revenue Fund 1
2010	\$133,000
2011	\$324,000
2012	\$329,000
2013	\$335,000
2014	\$340,000

Fiscal Analysis

This bill would amend the Code of Criminal Procedure, Article 102.0178(a). The bill would increase an existing \$50 drug court cost, which is currently assessed on the conviction of certain intoxication and drug offenses, to \$60 for drug and alcohol related offenses as listed in the Penal Code, Chapter 49 and the Health and Safety Code, Chapter 481. The bill would also repeal the Government Code, Section 102.0215.

The bill includes conforming language from legislation passed by the Eightieth Legislature, Regular Session, 2007 and has no fiscal impact.

The changes made by the bill would be applicable only to offenses committed on or after the effective

date of the bill. The bill would be effective September 1, 2009.

Methodology

According to the Comptroller of Public Accounts (CPA), the fiscal impact estimated for this bill is based on historical data from the Annual Statistical Report for the Texas Judiciary for various years, adjusted for growth, indigency, implementation, and the percentage of fees retained by local governments (counties can typically retain 10 percent of most court costs if remitted to the CPA in a timely fashion; in addition, the counties with mandated drug court programs may retain an additional 50 percent of the current drug court cost). The court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect historical non-collection rates, and adjusted for an implementation lag. Currently the cost is \$50 on drug and intoxication offenses; the bill would increase it by \$10.

House Bill 530, 80th Legislature, Regular Session, took effect June 15, 2007, and created the court cost and a general revenue account for the revenues. The account was not included in House Bill 3107, 80th Legislature, Regular Session, and was not created when that bill took effect June 15, 2007. Therefore, court cost revenues to the state from this bill would be deposited into the General Revenue Fund.

Local Government Impact

Local governments would see an increase in revenue due to the \$10 increase to the court cost for drug and alcohol related offenses listed under Chapter 49 of the Penal Code, and Chapter 481 of the Health and Safety Code. All counties are eligible to retain 10 percent of the total collected if they remit timely payments to the Comptroller each quarter. In addition, counties with a population over 200,000 would be eligible to retain 50 percent of the amounts collected to implement and maintain drug court programs. Together, these revenues are estimated by the Comptroller of Public Accounts to result in \$199,000 in local revenue gains for fiscal year 2010; \$486,000 in fiscal year 2011; \$494,000 in fiscal year 2012; \$502,000 in fiscal year 2013, and increase each year to an estimated \$510,000 for fiscal year 2014.

According to the Office of Court Administration, the amount of revenue gains for the 10 percent retained would be an estimated \$77,000 per year, and the statewide annual total for the 50 percent retained would be an estimated \$268,000 per year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, JJO, TP, ESi, JI, DB