



# Court Costs, Fees and Fines

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Susan Combs | Texas Comptroller of Public Accounts

## Texas Municipal Courts

### IN THIS ISSUE

- ▶ Court Costs, Fees and Fines with an Imposition Date of Sept. 1, 2007, or Earlier ..... Page 2
- ▶ Court Costs, Fees and Fines with an Imposition Date of Jan. 1, 2008. .... Page 2
- ▶ Other Statutory Provisions ..... Page 3
- ▶ State Costs and Fees Chart for Offenses Committed after Aug. 31, 2007, but before Jan. 1, 2008. .... Page 4
- ▶ State Costs and Fees Chart for Offenses Committed after Dec. 31, 2007 ..... Page 6

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### Summary of legislative changes made by the 80th Texas Legislature, Regular Session, 2007

The 80th Texas Legislature enacted several laws affecting court costs, fines and fees. This brochure presents a brief explanation of those changes presented in the order of their effective dates, as well as charts that summarize the costs, fees and fines that courts should assess. Also included are instructions and information regarding changes in reporting that relate to these costs, fees and fines.

This brochure provides only a summary of the legislation that affected court costs, fees and fines. It is not intended as a comprehensive explanation of the bills included, nor does it express legal opinions where varying interpretations of new law may exist. The legislation summarized in this brochure should be consulted for a complete understanding of changes and requirements.

A copy of this brochure should be made available to officials involved in the assessment and collection of court costs, fees and fines. If you have any questions regarding this brochure, please contact the Local Government Assistance Section at (800) 531-5441, ext. 3-4679, or you may dial direct in Austin at 463-4679.

You also may contact Local Government Assistance by e-mail at [local.govt@cpa.state.tx.us](mailto:local.govt@cpa.state.tx.us).

If you have any questions regarding the reporting of court costs, fines and fees, please contact the Comptroller's Miscellaneous Taxes Section at (800) 531-5441, ext. 3-4276, or direct in Austin at 463-4276.



*There may be divergent opinions concerning the effective date of the following legislation because of the language in Section 51.607, Government Code. The Comptroller's consistent opinion is that the effective date for any new or changed fee or charge for services or to cover the expenses of a public official or agency is delayed to Jan. 1 under this statute. However, to the extent these are purely local fees, local governments should consult with their county or district attorney for advice concerning the effective date.*

## Court Costs, Fees and Fines with an Imposition Date of Sept. 1, 2007, or Earlier

### Local Costs, Fees and Fines

#### Capias Pro Fine Warrants

**House Bill 3060**, effective Sept. 1, 2007, amends Chapter 43, Code of Criminal Procedure, creating and defining capias pro fine (an arrest warrant for unpaid fines and costs) and allowing all courts in the state to issue the capias pro fine. The capias pro fine is in addition to the normal capias.

The bill amends Article 102.011(a), Code of Criminal Procedure, to impose a \$50 fee for capias pro fine warrants. The bill also amends Article 15.18, Code of Criminal Procedure, which applies to arrest for out-of-county offenses, by adding Subsection (d). This article does not apply to an arrest made pursuant to a capias pro fine issued under Chapter 43 or Article 45.045, Code of Criminal Procedure.

## Court Costs, Fees and Fines with an Imposition Date of Jan. 1, 2008

### State Costs, Fees and Fines

#### Indigent Defense Fund

**House Bill 1267** amends Subchapter B, Chapter 102, Government Code, by adding Section 102.023, and Subchapter C, Chapter 133, Local Government Code, by adding Section 133.107 to create a new \$2 court cost for indigent defense. The fee applies to any offense other than an offense relating to a pedestrian or parking. The fee will apply in all municipal, justice, county and district court convictions. The fee is to be remitted quarterly to the Comptroller for deposit to the Fair Defense Account to be used to fund indigent defense representation.

#### Judicial Support Fee and Judicial Fund

**Senate Bill 600** amends Section 133.105, Local Government Code, and Section 102.022, Government Code,

to increase the criminal court cost for Judicial Support Fee from \$4 to \$6.

### Local Costs, Fees and Fines

#### Administrative Fees for Dismissal of Certain Violations

**House Bill 1623** creates administrative fees and increases others relating to the dismissal of certain Transportation Code and Parks and Wildlife Code violations. The fees apply when a defendant demonstrates that corrective action has been taken and the court chooses to dismiss the charge.

The bill creates an administrative fee not to exceed \$10 for the dismissal of a violation for the operation of a vehicle without a license plate or registration insignia by adding Sections 502.404 (f) and (g) to the Transportation Code.

The bill increases the administrative fee for dismissal of a charge of driving with an expired motor vehicle registration from not to exceed \$10 to not to exceed \$20 by amending Section 502.407(b), Transportation Code.

The bill creates an administrative fee not to exceed \$10 for the dismissal of a violation for the operation of a vehicle with a wrong, fictitious, altered or obscured license plate by adding Section 502.409 (c) to the Transportation Code.

The bill adds Section 521.025(f) to the Transportation Code to create an administrative fee not to exceed \$10 for the dismissal of a violation of failing to carry a license and exhibit it on demand.

The bill increases the administrative fee for dismissal of a charge of driving with an expired license from not to exceed \$10 to not to exceed \$20 by amending Section 521.026, Transportation Code.

The bill adds Section 521.054(d) to the Transportation Code to create an administrative fee not to exceed \$20 for the dismissal of a violation of failing to change address or name on a driver license.

The bill adds Section 521.221(d) to the Transportation Code to create an administrative fee not to exceed \$10 for the dismissal of a violation of operating a vehicle in violation of a restriction imposed or without the endorsement required on the license issued to that person.

The bill amends Sections 521.457(e) and (f), Transportation Code, to make driving while license is invalid a Class C misdemeanor punishable by a fine of not more than \$500, rather than not less than \$100 or more than \$500. Section 521.457 (f-1) is added to the Transportation Code, which increases the offense to a Class B misdemeanor for a person with a previous suspension resulting from an offense involving the operation of a motor vehicle while intoxicated.

The bill adds Sections 547.004 (c) and (d) to the Transportation Code to create an administrative fee not to

exceed \$10 for the dismissal of the violation of operation or allowing the operation of a vehicle that is unsafe or not in compliance with vehicle standards and requirements or is equipped in a prohibited manner.

The bill amends Section 548.605(b), Transportation Code, to increase the administrative fee for dismissal of a charge of driving with an expired inspection certificate from not to exceed \$10 to not to exceed \$20.

The bill adds Section 31.127 (f) to the Parks and Wildlife Code to create an administrative fee not to exceed \$10 for the dismissal of a violation for the operation of a vessel with an expired certificate of number.

### Teen Court Dismissal Fee in the Texas-Louisiana Border Region

**House Bill 2949** amends Article 45.052, Code of Criminal Procedure, and Section 54.032, Family Code, to allow juvenile, justice and municipal courts in the Texas-Louisiana Border Region, which is defined by Section 2056.002, Government Code, to charge a \$20 fee for administration costs associated with teen courts and the Teen Court Program.

### Driving Records Fee

**Senate Bill 1083** amends Subsection (c-1), Article 45.0511, Code of Criminal Procedure, authorizing a judge or justice of the peace to request and obtain a copy of a defendant's driving records from the Department of Public Safety using TexasOnline when the defendant has requested a driving safety course or motorcycle operator training course dismissal. The court may charge the defendant the \$10 fee established by Section 521.048, Transportation Code, and the \$2 TexasOnline Fee, for a total of \$12. The fee is to be remitted to the Comptroller. The Comptroller shall credit the fees to the Texas Department of Public Safety.

## Other Statutory Provisions

### Photographic Enforcement System

**Senate Bill 1119**, effective Sept. 1, 2007, adds Chapter 707 to the Transportation Code, relating to photographic traffic signal enforcement systems. It gives authority for a city or county to enforce a civil penalty of not more than \$75 for red light camera violations and establishes the maximum late penalty to be \$25. Similar provisions are included in House Bill 1623 discussed below.

After taking certain deductions, a city or county is required to remit one-half of the fee to the Comptroller not

later than the 60th day after the end of the city's or county's fiscal year. The money remitted to the Comptroller is to be deposited to the Regional Trauma Account. Allowable deductions include the costs of purchasing or leasing equipment and installing, operating and maintaining the traffic signal enforcement system. This is also reflected in Chapter 133 of the Local Government Code, which allows a 10 percent collection fee if remitted in a timely manner.

The bill makes conforming amendments to the Government Code by adding Subsection 27.031(a)(4) and Section 29.003 (g), and adding Section 133.004 (11) to the Local Government Code.

**House Bill 1623** adds Sections 542.405 and 542.406 to the Transportation Code, effective Sept. 1, 2007, requiring a municipality, county or other local entity that operates a photographic traffic signal enforcement system to send to the Comptroller's office 50 percent of the net revenue received from civil or administrative penalties as a result of a violation of a traffic-control signal. The Comptroller will deposit the revenue in the Regional Trauma Account. A local entity is required to deposit the remainder of the revenue in a special account to fund traffic safety programs, public safety programs, intersection improvements and traffic enforcement.

### Jury Service Reimbursement

**Senate Bill 560**, effective Sept. 1, 2007, amends Section 61.001, Government Code, by excluding the expense reimbursement of jurors who serve on municipal court juries from the requirements of Chapter 61, Government Code. A municipality will have the discretion to reimburse those expenses in an amount determined by the municipality.

### Intoxication/Drug Court Program

**House Bill 530**, effective June 15, 2007, adds Article 102.0178 to the Code of Criminal of Criminal Procedure and Article 102.0215 to the Government Code to create a court cost of \$50 on conviction of an offense punishable as a Class B misdemeanor or higher for certain intoxication and drug convictions. Counties shall remit collected funds to the Comptroller quarterly. The Comptroller shall deposit remitted funds to the Drug Court Account in the General Revenue Fund to help fund applicable drug court programs.

The bill also amends Section 469.002, Health and Safety Code, granting municipalities authority to establish drug court programs. The bill adds Section 469.0025, allowing three or more municipalities to establish a regional drug court program.

## State Costs and Fees for Municipal Courts

For Offenses Committed After Aug. 31, 2007, But Before Jan. 1, 2008

Offense/Description	JSF	JRF	CCC	STF	Total
<b>ALL MUNICIPAL ORDINANCES</b>					
Excluding parking and pedestrian	\$4	\$4	\$40	N/A	\$48
<b>STATE LAW</b>					
Transportation Code, Title 7, Subtitle C, Rules of the Road					
• parking and pedestrian	N/A	N/A	N/A	\$30	\$30
• all other misdemeanors	\$4	\$4	\$40	\$30	\$78
Education Code, Sec. 25.093, Parent Contributing to Nonattendance, and Sec. 25.094, Failure to Attend School	\$4	\$4	\$40	N/A	\$48
All other misdemeanors punishable by fine only	\$4	\$4	\$40	N/A	\$48

### Judicial Support Fee

Sec. 133.105, Local Government Code, (JSF)

### Juror Reimbursement Fee (Additional Court Cost)

Art. 102.0045, Code of Criminal Procedure (JRF)

### Consolidated Court Cost (Local Additional Court Cost)

Sec. 133.102, Local Government Code (CCC)

### State Traffic Fee (Additional Court Cost)

Sec. 542.4031, Transportation Code (STF)

### Add the following mandatory fees, when applicable:

#### DRIVING RECORD FEE (DRF)

If a defendant who requests a driving safety or motorcycle operator training course dismissal chooses not to present the defendant's driving record to the court, then the court may obtain the record from the Department of Public Safety and require the defendant to pay a \$10 fee. The custodian of the municipal or county treasury must forward the entire amount of the fees collected to the Comptroller. (Art. 45.0511(c-1), Code of Criminal Procedure)

#### FAILURE TO APPEAR OR PAY (FTA)

A \$30 administrative fee is payable by a person who fails to appear for a complaint or citation for an offense over which a court has jurisdiction under Chapter 4, Code of Criminal Procedure, if: (1) the appropriate political subdivision has contracted with the Department of Public Safety (DPS) to provide information necessary for DPS to deny renewal of a driver license as provided by Sec. 706.002, Transportation Code, and (2) the

complaint or citation has been reported to DPS under Chapter 706, Transportation Code. A \$30 administrative fee is also payable by a person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders. Of each of these fees, \$20 must be sent to the Comptroller on or before the last day of each calendar quarter and \$10 must be deposited to the credit of the general fund of the municipality or county. (Sec. 706.007, Transportation Code)

#### TIME PAYMENT FEE

\$25 from a person who pays any part of a fine, court cost or restitution on or after the 31st day after judgment is entered. One-half (\$12.50) is sent to the state and one-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10) is retained locally with no restrictions. (Sec. 133.103, Local Government Code)

#### Fees for Services of Peace Officers:

#### NOTICE OR ARREST FEE

\$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance or penal law or for making an arrest without a warrant. (Art. 102.011, Code of Criminal Procedure)

#### WARRANT FEE

A defendant convicted of a felony or misdemeanor shall pay \$50 for a law enforcement agency's execution of an issued arrest warrant, capias or capias pro fine, if the agency requests the court, not later than the 15th day after the date of execution, to impose the fee. Otherwise, the defendant shall pay \$50 for a law enforcement agency's processing of the warrant, capias or capias pro fine. (Art. 102.011(a)(2), Code of Criminal Procedure)

# State Costs and Fees for Municipal Courts

For Offenses Committed After Aug. 31, 2007, But Before Jan. 1, 2008 *(continued)*

Cities may also be responsible for remitting the following fines to the Comptroller:

## CHILD SAFETY SEAT AND SEAT BELT VIOLATIONS

A portion of the fines for violations of Secs. 545.412 and 545.413(b), Transportation Code

## EXCESS HIGHWAY FINES

For cities under 5,000 population, Sec. 542.402, Transportation Code

## EXCESS MOTOR VEHICLE FINES

For qualifying cities, Sec. 644.102, Transportation Code

## MOTOR VEHICLE WEIGHT VIOLATIONS

Sec. 621.506, Transportation Code

Local Court Costs and Fees that may also apply:

## CHILD SAFETY FUND

Art. 102.014, Code of Criminal Procedure

## EXPUNGEMENT OF OFFENSES BY MINORS

Arts. 45.0216, 45.055 and 102.006, Code of Criminal Procedure

## FEES FOR SERVICES OF PEACE OFFICERS

Art. 102.011, Code of Criminal Procedure

## JURY FEE

Art. 102.004, Code of Criminal Procedure

## JUVENILE CASE MANAGER FEE

Art. 102.0174, Code of Criminal Procedure

## LOCAL TRAFFIC FEE

Sec. 542.403, Transportation Code

## MUNICIPAL COURT BUILDING SECURITY FEE

Art. 102.017, Code of Criminal Procedure

## MUNICIPAL COURT TECHNOLOGY FUND

Art. 102.0172, Code of Criminal Procedure

## RESTITUTION INSTALLMENT FEE

Art. 42.037, Code of Criminal Procedure

## WITNESS FEE

Art. 102.002, Code of Criminal Procedure

# State Costs and Fees for Municipal Courts

For Offenses Committed After Dec. 31, 2007

Offense/Description	JSF	JRF	CCC	STF	IDF	Total
<b>ALL MUNICIPAL ORDINANCES</b>						
Excluding parking and pedestrian	\$6	\$4	\$40	N/A	\$2	\$52
<b>STATE LAW</b>						
Transportation Code, Title 7, Subtitle C, Rules of the Road						
• parking and pedestrian	N/A	N/A	N/A	\$30	N/A	\$30
• all other misdemeanors	\$6	\$4	\$40	\$30	\$2	\$82
Education Code, Sec. 25.093, Parent Contributing to Nonattendance, and Sec. 25.094, Failure to Attend School	\$6	\$4	\$40	N/A	\$2	\$52
All other misdemeanors punishable by fine only	\$6	\$4	\$40	N/A	\$2	\$52

### Judicial Support Fee

Sec. 133.105, Local Government Code, (JSF)

### Juror Reimbursement Fee (Additional Court Cost)

Art. 102.0045, Code of Criminal Procedure (JRF)

### Consolidated Court Cost (Local Additional Court Cost)

Sec. 133.102, Local Government Code (CCC)

### State Traffic Fee (Additional Court Cost)

Sec. 542.4031, Transportation Code (STF)

### Indigent Defense Fee

Government Code Sec. 102.023, Local Government Code

Sec. 133.107, effective January 1, 2008 (IDF)

### Add the following mandatory fees, when applicable:

#### DRIVING RECORD FEE (DRF)

If a defendant who requests a driving safety or motorcycle operator training course dismissal chooses not to present the defendant's driving record to the court, then the court may obtain the record from the Department of Public Safety and require the defendant to pay a fee. The court may charge the defendant the \$10 fee established by Sec. 521.048, Transportation Code, and the \$2 Texas Online Fee, for a total of \$12. The custodian of the county treasury must forward the entire amount of the fees collected to the Comptroller. (Art. 45.0511(c-1), Code of Criminal Procedure)

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For Offenses Committed After Dec. 31, 2007 *(continued)*

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## EXCESS HIGHWAY FINES

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## EXCESS MOTOR CARRIER FINES

For qualifying cities, Sec. 644.102, Transportation Code

## MOTOR VEHICLE WEIGHT VIOLATIONS

Sec. 621.506, Transportation Code

Local Court Costs and Fees that may also apply:

## ADMINISTRATIVE FEES FOR DISMISSAL OF CERTAIN VIOLATIONS

Chapters 502, 520, 547 and 548, Transportation Code, and Sec. 31.021, Parks & Wildlife Code

## CHILD SAFETY FUND

Art. 102.014, Code of Criminal Procedure

## EXPUNGEMENT OF OFFENSES BY MINORS

Arts. 45.0216, 45.055 and 102.006, Code of Criminal Procedure

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Art. 42.037, Code of Criminal Procedure

## WITNESS FEE

Art. 102.002, Code of Criminal Procedure

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