

CHAPTER 589

H.B. No. 309

An Act relating to court costs imposed to generate funds for victims of crime and for the continuing legal education of judges and court personnel.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. AMENDMENT. Section 14(b), Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) A person shall pay \$20 as a court cost, in addition to other court costs, on conviction of any felony, \$15 as a court cost, in addition to other court costs, on conviction of a misdemeanor punishable by imprisonment or by a fine of more than \$200, and \$3 [~~\$12.50~~] as a court cost, in addition to other court costs, on conviction of a misdemeanor punishable by a fine of not more than \$200 *other than a misdemeanor that regulates pedestrians and the parking of motor vehicles.* [A conviction that arises under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), or under the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is specifically excluded.] The court shall require a person convicted of an offense listed under this section to pay the court cost whether or not the court grants the person a probated sentence. If a person is granted deferred adjudication under Article 42.12, 42.13, or 45.54, Code of Criminal Procedure, 1965, as amended, at the time the court grants deferred adjudication, the person shall pay as a court cost the amount that the person would have otherwise been required to pay under this subsection had the adjudication not been deferred and had the person been finally convicted of the offense.

SECTION 2. APPROPRIATION. In addition to sums appropriated by the 69th Legislature, Regular Session, 1985, the sum of \$450,000 is appropriated from the compensation to victims of crime fund to the criminal justice division of the governor's office for each year of the 1986-1987 biennium for the funding of local crime stoppers programs.

SECTION 3. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) The judicial and court personnel training fund is created in the state treasury and shall be administered by the supreme court.

(b) In addition to other court costs, a person shall pay \$1 as a court cost on conviction of any criminal offense, including cases in which probation or deferred adjudication is granted. A conviction that arises under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), or a conviction under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) is included, except that a conviction arising under any law that regulates pedestrians or the parking of motor vehicles is not included.

(c) Court costs due under this section shall be collected in the same manner as other fines or costs are collected in the case.

(d) The officer collecting the costs in municipal court shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the municipal treasury.

(e) The officer collecting the costs and fees in justice, county, and district courts shall keep separate records of the funds collected under this section and shall deposit the funds in the county treasury.

(f) Each officer collecting court costs under this section shall file the reports required under Articles 944 and 945, Code of Criminal Procedure, 1925 (Articles 1001 and 1002, Part II, Vernon's Texas Code of Criminal Procedure, 1965). If no funds due as costs under this section have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report must state that no funds under this section were collected.

(g) The custodians of municipal and county treasuries shall keep records of the amount of funds on deposit collected under this section and shall send to the comptroller of public accounts not later than the last day of the month following each calendar quarter the funds collected under this section during the preceding quarter. The municipality or county may retain as a collection fee 10 percent of the funds collected under this section. Funds collected are subject to audit by the comptroller and funds expended are subject to audit by the state auditor.

(h) The comptroller shall deposit the funds received under this section in the judicial and court personnel training fund.

(i) On requisition of the supreme court, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 6 of this Act. A warrant may not exceed the amount appropriated for any one fiscal year. At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.

SECTION 4. FEES COLLECTED BY CLERKS OF COURTS OF APPEALS. Fifty percent of the fees collected by the clerks of the courts of appeals under Article 3924, Revised Statutes, shall be deposited in the state treasury in the judicial and court personnel training fund for the continuing legal education of judges and of court personnel.

SECTION 5. REPEALER. (a) Sections 2 and 3, Chapter 644, Acts of the 68th Legislature, Regular Session, 1983, are repealed.

(b) Chapter 418, Acts of the 65th Legislature, Regular Session, 1977 (Article 1200f, Vernon's Texas Civil Statutes), is repealed.

SECTION 6. TRANSFER OF FUNDS. (a) Any unexpended funds in the municipal court judges and personnel training fund shall not be paid into the general revenue fund but shall be deposited to the credit of the judicial and court personnel training fund on the effective date of this Act.

(b) Any unexpended funds in the special fund created by Section 2, Chapter 644, Acts of the 68th Legislature, Regular Session, 1983, for the continuing education of the justices and staff of the courts of appeals shall be deposited to the credit of the judicial and court personnel training fund on the effective date of this Act.

SECTION 7. APPROPRIATION. (a) There is hereby appropriated out of the judicial and court personnel training fund \$2.1 million for the period beginning September 1, 1985, and ending August 31, 1986, and \$2.1 million for the period beginning September 1, 1986, and ending August 31, 1987.

(b) The supreme court may devote no more than three percent of the money appropriated in any one fiscal year to hire staff and provide for the proper administration of this Act.

(c) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of appellate courts, district courts, county courts at law, and county courts performing judicial functions as required by Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes), and of their court personnel.

(d) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of justice courts as required by Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes), and of their court personnel.

(e) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of municipal courts as required by Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes), and their court personnel.

(f) The supreme court shall grant legal funds to statewide professional associations of judges and other entities whose purposes include providing continuing legal education courses, programs, and projects for judges and court personnel. The grantees of such funds must ensure that sufficient funds are available for each judge to meet the minimum educational requirements of Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes), before any funds are awarded to a judge for education that exceeds those requirements.

SECTION 8. EFFECTIVE DATE. This Act takes effect September 1, 1985. A court cost imposed on a conviction under Section 1 or 2 of this Act applies to a conviction occurring on or after September 1, 1985.

SECTION 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 16, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 309 on May 26, 1985, by a non-record vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate, with amendments, on May 25, 1985, by a viva-voce vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Certified by Comptroller of Public Accounts, May 31, 1985, that the amounts appropriated herein are within amounts estimated to be available in the affected fund.

Approved: June 13, 1985

Effective: September 1, 1985