

**CHAPTER 269**

S.B. No. 854

An Act relating to adoption of a nonsubstantive revision of miscellaneous statutes relating to criminal procedure, including certain provisions for penalties; making conforming amendments and repeals.

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

**SECTION 1.** Chapters 1 through 100, Code of Criminal Procedure, 1965, as amended, are designated as Title 1, Code of Criminal Procedure, and Title 2, Code of Criminal Procedure, is adopted to read as follows:

**“TITLE 2. CODE OF CRIMINAL PROCEDURE****“CHAPTER 101. GENERAL PROVISIONS**Article 101.001. **PURPOSE OF TITLE**Article 101.002. **CONSTRUCTION OF TITLE**Article 101.003. **INTERNAL REFERENCES****“CHAPTER 102. COSTS PAID BY DEFENDANTS****“SUBCHAPTER A. GENERAL COSTS**Article 102.001. **FEEES FOR SERVICES OF PEACE OFFICERS**Article 102.002. **WITNESS FEES**Article 102.003. **TRIAL FEE**Article 102.004. **JURY FEE**Article 102.005. **FEES TO CLERKS**Article 102.006. **FEES IN EXPUNCTION PROCEEDINGS**Article 102.007. **FEE FOR COLLECTING AND PROCESSING SIGHT ORDER**Article 102.008. **FEES FOR SERVICES OF PROSECUTORS**Article 102.009. **COURT COSTS IN CERTAIN COUNTIES**

[Articles 102.010-102.050 reserved for expansion]

**“SUBCHAPTER B. CRIMINAL JUSTICE PLANNING FUND**Article 102.051. **MISDEMEANOR AND FELONY COSTS**Article 102.052. **RECORD OF COLLECTION**Article 102.053. **REPORTS REQUIRED**Article 102.054. **TRANSFER OF FUNDS TO COMPTROLLER**Article 102.055. **SPECIAL FUND**Article 102.056. **DISTRIBUTION OF FUNDS****“CHAPTER 103. COLLECTION AND RECORDKEEPING**Article 103.001. **COSTS PAYABLE**Article 103.002. **CERTAIN COSTS BARRED**Article 103.003. **COLLECTION**

Article 103.004. DISPOSITION OF COLLECTED MONEY

Article 103.005. REPORT REQUIRED

Article 103.006. TRANSFER OF BILL OF COSTS

Article 103.007. ADDITIONAL COSTS AFTER PAYMENT

Article 103.008. CORRECTION OF COSTS

Article 103.009. FEE BOOKS

Article 103.010. RECEIPT BOOK

Article 103.011. AUDIT

Article 103.012. PENALTY

#### “CHAPTER 104. CERTAIN EXPENSES PAID BY STATE OR COUNTY

Article 104.001. JURY PAY AND EXPENSES FOR JURORS

Article 104.002. EXPENSES FOR PRISONERS

### “TITLE 2. CODE OF CRIMINAL PROCEDURE

#### “CHAPTER 101. GENERAL PROVISIONS

“Article 101.001. PURPOSE OF TITLE. (a) This title is enacted as a part of the state’s continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in Chapter 448, Acts of the 58th Legislature, Regular Session, 1963 (Article 5429b-1, Vernon’s Texas Civil Statutes). The program contemplates a topic-by-topic revision of the state’s general and permanent statute law without substantive change.

“(b) Consistent with the objectives of the statutory revision program, the purpose of this title is to make the law encompassed by this title more accessible and understandable by:

“(1) rearranging the statutes into a more logical order;

“(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;

“(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and

“(4) restating the law in modern American English to the greatest extent possible. (New.)

“Article 101.002. CONSTRUCTION OF TITLE. The Code Construction Act (Article 5429b-2, Vernon’s Texas Civil Statutes) applies to the construction of each provision in this title, except as otherwise expressly provided by this title. (New.)

“Article 101.003. INTERNAL REFERENCES. In this title:

“(1) a reference to a chapter or article without further identification is a reference to a chapter or article of this title; and

“(2) a reference to a subchapter, article, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of this title in which the reference appears. (New.)

#### “CHAPTER 102. COSTS PAID BY DEFENDANTS

##### “SUBCHAPTER A. GENERAL COSTS

“Article 102.001. FEES FOR SERVICES OF PEACE OFFICERS. (a) A defendant convicted of a misdemeanor shall pay the following fees for services performed in the case by a peace officer:

“(1) \$3 for executing an arrest warrant or capias or for making an arrest without a warrant;

“(2) \$1 for summoning a witness;

“(3) \$2 for serving a writ not otherwise listed in this article;

“(4) \$2 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

“(5) \$2 for a commitment or release;

“(6) \$2 for summoning a jury, if a jury is summoned; and

“(7) \$4 for each day’s attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.

“(b) In addition to fees provided by Subsection (a), a defendant required to pay fees under this article shall also pay 15 cents per mile for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the

execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily travelled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. This subsection applies to:

“(1) conveying a prisoner after conviction to the county jail;

“(2) conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county in which the warrant or capias was issued; and

“(3) traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article.

“(c) If an officer attaches a witness on the order of a court outside the county in which he serves, the defendant shall pay \$5 per day or part of a day spent by the officer conveying the witness and actual necessary expenses for travel by the most practical public conveyance. In order to receive expenses under this subsection, the officer must make a sworn statement of the expenses and the judge issuing the attachment must approve the statement.

“(d) A defendant shall pay for the services of a sheriff or constable who serves process and attends an examining trial in a misdemeanor case the same fees allowed for those services in the trial of a misdemeanor, not to exceed \$3. (Arts. 53.01, 53.04, V.T.C.C.P., Part I.)

“Article 102.002. WITNESS FEES. (a) A person subpoenaed, attached, or recognized as a witness, other than a witness entitled to receive compensation under Article 35.27 of this code, is entitled to receive \$1.50 for each day in attendance in court and six cents per mile traveling to or returning from the trial. In order to receive compensation under this article, the witness, or another credible person representing the witness, must sign an affidavit stating the number of days the witness attended the court and the number of miles the witness travelled to and from the place of the trial. The affidavit must be filed with the papers in the case.

“(b) The justices of the peace and clerks of district and county courts and county courts at law shall keep a book and record in the book:

“(1) the number and style of each criminal action before the court;

“(2) the name of each witness subpoenaed, attached, or recognized to testify in the action; and

“(3) whether the witness was a witness for the state or for the defendant.

“(c) Except as otherwise provided by this subsection, a defendant is liable on conviction for the fees provided by this article for witnesses in the defendant's case. If a defendant convicted of a misdemeanor does not pay his fines and costs, the county is liable for the fees provided by this article for witnesses in the defendant's case.

“(d) If a person is subpoenaed as a witness in a criminal case and fails to appear, the person is liable for the costs of an attachment, unless he shows good cause to the court why he did not appear. (Arts. 1055 (part), 1078, 1079, 1080, 1081, 1082, V.T.C.C.P., Part II.)

“Article 102.003. TRIAL FEE. (a) A defendant convicted in a trial before a judge or jury in a county court or a county court at law shall pay a trial fee of \$5.

“(b) If two or more defendants are tried jointly, only one trial fee of \$5 may be imposed under this article. (Art. 53.06, V.T.C.C.P., Part I.)

“Article 102.004. JURY FEE. (a) A defendant convicted by a jury in a trial before a justice court shall pay a jury fee of \$3. A defendant convicted by a jury in a county court, a county court at law, or a district court shall pay a jury fee of \$5.

“(b) If two or more defendants are tried jointly in a justice court, only one jury fee of \$3 may be imposed under this article. If the defendants sever and are tried separately, each defendant convicted shall pay a jury fee. (Art. 53.05, V.T.C.C.P., Part I; Arts. 1075, 1076, V.T.C.C.P., Part II.)

“Article 102.005. FEES TO CLERKS. (a) A defendant convicted of an offense in a county court, a county court at law, or a district court shall pay for the services of the clerk of the court a fee of \$25. The fee imposed under this subsection is for all clerical duties performed by the clerk, including:

“(1) filing a complaint or information;

“(2) docketing the case;

“(3) taxing costs against the defendant;

“(4) issuing original writs and subpoenas;

“(5) swearing in and impaneling a jury;

“(6) receiving and recording the verdict;

“(7) filing each paper entered in the case; and

“(8) swearing in witnesses in the case.

“(b) The clerk of the county court at law or the clerk of a county or district court may charge a fee of \$1 per page or part of a page for issuing a certified copy, transcript, or other paper

permitted or required to be issued by the clerk. The clerk may issue a document only after receiving the fee imposed under this subsection.

“(c) A person convicted of an offense for which the person’s driver’s license is automatically suspended shall pay a fee of \$10 to the clerk of a court that issues to the person a certified copy of a court order restricting the person’s license in a manner prescribed by Subsection (a), Section 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes). (Art. 1064, V.T.C.C.P., Part II.)

“Article 102.006. FEES IN EXPUNCTION PROCEEDINGS. A petitioner seeking expunction of a criminal record shall pay the following fees:

- “(1) the fee charged for filing an ex parte petition in a civil action in district court;
- “(2) \$1 plus postage for each certified mailing of notice of the hearing date; and
- “(3) \$2 plus postage for each certified mailing of certified copies of an order of expunction. (Art. 53.08, V.T.C.C.P., Part I, as added by Ch. 604, Acts 66th Legis., 1979.)

“Article 102.007. FEE FOR COLLECTING AND PROCESSING SIGHT ORDER. (a) A county attorney, district attorney, or criminal district attorney may collect a fee if his office collects and processes a check or similar sight order if the check or similar sight order:

“(1) has been issued or passed in a manner that makes the issuance or passing an offense under:

- “(A) Section 31.03, Penal Code;
- “(B) Section 31.04, Penal Code; or
- “(C) Section 32.41, Penal Code; or
- “(2) has been forged, as defined by Section 32.21, Penal Code.

“(b) The county attorney, district attorney, or criminal district attorney may collect the fee from any person who is a party to the offense described in Subsection (a).

“(c) The amount of the fee may not exceed:

- “(1) \$5 if the face amount of the check or sight order does not exceed \$10;
- “(2) \$10 if the face amount of the check or sight order is greater than \$10 but does not exceed \$100;
- “(3) \$30 if the face amount of the check or sight order is greater than \$100 but does not exceed \$300;
- “(4) \$50 if the face amount of the check or sight order is greater than \$300 but does not exceed \$500; and
- “(5) \$75 if the face amount of the check or sight order is greater than \$500.

“(d) If the person from whom the fee is collected was a party to the offense of forgery, as defined by Section 32.21, Penal Code, committed by altering the face amount of the check or sight order, the face amount as altered governs for the purposes of determining the amount of the fee.

“(e) Fees collected under this article shall be deposited in the county treasury in a special fund to be administered by the county attorney, district attorney, or criminal district attorney. Expenditures from this fund shall be at the sole discretion of the attorney and may be used only to defray the salaries and expenses of the prosecutor’s office, but in no event may the county attorney, district attorney, or criminal district attorney supplement his own salary from this fund. (Art. 53.08, V.T.C.C.P., Part I, as added by Ch. 734, Acts 66th Legis., 1979.)

“Article 102.008. FEES FOR SERVICES OF PROSECUTORS. (a) Except as provided by Subsection (b), a defendant convicted of a misdemeanor or a gambling offense shall pay a fee of \$15 for the trying of the case by the district or county attorney. If the court appoints an attorney to represent the state in the absence of the district or county attorney, the appointed attorney is entitled to the fee otherwise due.

“(b) No fee for the trying of a case may be charged against a defendant prosecuted in a justice court for violation of a penal statute or of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes).

“(c) If two or more defendants are tried jointly, only one fee may be charged under this article. If the defendants sever and are tried separately, each defendant shall pay the fee.

“(d) A defendant is liable for fees imposed by Subsection (a) if the defendant is convicted of an offense and:

- “(1) the defendant does not appeal the conviction; or
- “(2) the conviction is affirmed on appeal. (Art. 53.03, V.T.C.C.P., Part I; Arts. 1061, 1062, 1063, V.T.C.C.P., Part II.)

“Article 102.009. COURT COSTS IN CERTAIN COUNTIES. In counties with a population of two million or more according to the most recent federal census, the commissioners court may set court costs for persons convicted of a Class C misdemeanor in the justice courts. Court costs set as provided by this article may not exceed \$57 for each conviction. (Art. 53.09, V.T.C.C.P., Part I.)

“[Articles 102.010-102.050 reserved for expansion]

### “SUBCHAPTER B. CRIMINAL JUSTICE PLANNING FUND

“Article 102.051. MISDEMEANOR AND FELONY COSTS. (a) Except as provided by Subsection (d), a defendant convicted of a misdemeanor punishable by fine only, not to exceed \$200, shall pay as a cost of court \$5.

“(b) A defendant convicted of a misdemeanor punishable by a fine exceeding \$200 shall pay as a cost of court \$10.

“(c) A defendant convicted of a felony shall pay as a cost of court \$20.

“(d) This article does not apply to a person convicted under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes) if the person is convicted of a provision of that Act regulating pedestrians and the parking of motor vehicles.

“(e) Costs imposed under this article are in addition to other court costs and are due whether or not the defendant is granted probation in the case. The officer shall collect the costs in the same manner as other costs are collected in the case. (Secs. 3, 4, 5, Art. 1083, V.T.C.C.P., Part II.)

“Article 102.052. RECORD OF COLLECTION. (a) An officer collecting costs due under this subchapter in cases in municipal court shall keep separate records of the funds collected as costs under this subchapter and shall deposit the funds in the municipal treasury.

“(b) An officer collecting costs due under this subchapter in justice, county, and district courts shall keep separate records of the funds collected as costs under this subchapter and shall deposit the funds in the county treasury.

“(c) An officer collecting costs due under this subchapter in county courts on appeal from justice or municipal courts shall keep separate records of the funds collected under this subchapter and shall deposit the funds in the county treasury. (Sec. 6, Art. 1083, V.T.C.C.P., Part II.)

“Article 102.053. REPORTS REQUIRED. (a) Officers collecting funds due as costs under this subchapter shall file the report required under Article 103.005.

“(b) If no funds due as costs under this subchapter have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report shall state that no funds due under this subchapter were collected. (Sec. 11, Art. 1083, V.T.C.C.P., Part II.)

“Article 102.054. TRANSFER OF FUNDS TO COMPTROLLER. (a) The custodians of the municipal and county treasuries may deposit the funds collected under this subchapter in interest-bearing accounts. The custodians shall keep records of the amount of funds collected under this subchapter that are on deposit with them and shall on or before the last day of the month following each calendar quarter period of three months remit to the comptroller of public accounts funds collected under this subchapter during the preceding quarter.

“(b) The municipal and county treasuries may retain 10 percent of funds collected under this subchapter as a service fee for the collection. The city or county may also retain all interest accrued on the funds. (Sec. 7, Art. 1083, V.T.C.C.P., Part II.)

“Article 102.055. SPECIAL FUND. The comptroller of public accounts shall deposit the funds received by him under this subchapter in a special fund to be known as the criminal justice planning fund. (Secs. 2, 8, Art. 1083, V.T.C.C.P., Part II.)

“Article 102.056. DISTRIBUTION OF FUNDS. (a) The legislature shall determine and appropriate the necessary amount from the criminal justice planning fund to the criminal justice division of the governor’s office for expenditure for state and local criminal justice projects and for costs of administering the funds for the projects. The criminal justice division shall allocate not less than 20 percent of these funds to juvenile justice programs. The distribution of the funds to local units of government shall be in an amount equal at least to the same percentage as local expenditures for criminal justice activities are to total state and local expenditures for criminal justice activities for the preceding state fiscal year. Funds shall be allocated among combinations of local units of government taking into consideration the population of the combination of local units of government as compared to the population of the state and the incidence of crime in the jurisdiction of the combination of local units of government as compared to the incidence of crime in the state. All funds collected are subject to audit by the comptroller of public accounts. All funds expended are subject to audit by the State Auditor. All funds collected or expended are subject to audit by the governor’s division of planning coordination.

“(b) The legislature may appropriate the unobligated balance of the criminal justice planning fund for the preceding biennium for the improvement and upgrading of the criminal justice system. (Secs. 9, 10, Art. 1083, V.T.C.C.P., Part II.)

### “CHAPTER 103. COLLECTION AND RECORDKEEPING

“Article 103.001. **COSTS PAYABLE.** A cost is not payable by the person charged with the cost until a written bill is produced or is ready to be produced, containing the items of cost, signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost. (Arts. 1012, 1013, V.T.C.C.P., Part II.)

“Article 103.002. **CERTAIN COSTS BARRED.** An officer may not impose a cost for a service not performed or for a service for which a cost is not expressly provided by law. (Art. 1011, V.T.C.C.P., Part II.)

“Article 103.003. **COLLECTION.** District and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace may collect money payable under this title. (Art. 1004, V.T.C.C.P., Part II.)

“Article 103.004. **DISPOSITION OF COLLECTED MONEY.** An officer who collects recognizances, bail bonds, fines, forfeitures, judgments, jury fees, and other obligations recovered in the name of the state under any provision of this title shall immediately pay the money to the county treasurer of the county for which the money was collected. (Art. 1006, V.T.C.C.P., Part II.)

“Article 103.005. **REPORT REQUIRED.** (a) An officer listed in Article 103.003 who collects money other than taxes for a county shall report to the commissioners court of the county for which the money was collected during each term of the court.

“(b) An officer listed in Article 103.003 who collects money other than taxes for the state shall report to the district court having jurisdiction in the county the officer serves on the first day of each term of the court.

“(c) The report must state for the reporting period:

“(1) the amount of money collected by the officer;

“(2) when and from whom the money was collected;

“(3) the process by which the money was collected; and

“(4) the disposition of the money.

“(d) The report must be in writing and under the oath of the officer.

“(e) If an officer has not collected money since the last report required to be filed with the court or the commissioners court, the officer shall report that fact to the court or commissioners court. (Arts. 1001, 1002, 1003, 1005, V.T.C.C.P., Part II.)

“Article 103.006. **TRANSFER OF BILL OF COSTS.** If a criminal action or proceeding is transferred from one court to another or is appealed, an officer of the court shall certify and sign a bill of costs stating the costs that have accrued and send the bill of costs to the court to which the action or proceeding is transferred or appealed. (Art. 1014, V.T.C.C.P., Part II.)

“Article 103.007. **ADDITIONAL COSTS AFTER PAYMENT.** After a defendant has paid costs, no more costs may be charged against the defendant unless the court rules on a motion presented to the court that additional costs are due. (Art. 1015, V.T.C.C.P., Part II.)

“Article 103.008. **CORRECTION OF COSTS.** (a) On the filing of a motion by a defendant not later than one year after the date of the final disposition of a case in which costs were imposed, the court in which the case is pending or was last pending shall correct any error in the costs.

“(b) The defendant must notify each person affected by the correction of costs in the same manner as notice of a similar motion is given in a civil action. (Art. 1016, V.T.C.C.P., Part II.)

“Article 103.009. **FEE BOOKS.** (a) Each clerk of a court, county judge, justice of the peace, sheriff, constable, and marshal shall keep a fee book. The fee book must contain:

“(1) a statement of each fee or item of cost charged for a service rendered in a criminal action or proceeding;

“(2) the number and style of the action or proceeding; and

“(3) the name of the officer or person who is entitled to receive the fee.

“(b) Any person may inspect a fee book described by Subsection (a).

“(c) A statement of an item of cost in a fee book is prima facie evidence of the correctness of the statement.

“(d) The county shall provide fee books to officers required to keep the books by this article. (Arts. 1009, 1010; Sec. 1 (part), Art. 1010a; Art. 1017, V.T.C.C.P., Part II.)

“Article 103.010. **RECEIPT BOOK.** (a) Each county shall provide a receipt book to each officer collecting fines and fees in criminal cases for the county. The book must contain duplicate official receipts. Each receipt must bear a distinct number and a facsimile of the official seal of the county.

“(b) An officer who collects fines or fees in a criminal case shall give the person paying the money a receipt from the receipt book. The receipt must show:

- “(1) the amount of money paid;
- “(2) the date the money was paid;
- “(3) the style and number of the case in which the costs were accrued;
- “(4) the item of costs;
- “(5) the name of the person paying the money; and
- “(6) the official signature of the officer receiving the money. (Sec. 1 (part), Art. 1010a, V.T.C.C.P., Part II.)

“Article 103.011. **AUDIT.** An officer provided with a receipt book under Article 103.010 shall deliver his receipt book to the county auditor at the end of each month's business. The county auditor shall examine the receipt book and determine whether the money collected has been properly disposed of. If each receipt in the book has been used, the county auditor shall keep the book. If any receipt in the book has not been used, the auditor shall return the book to the officer. Any person may inspect a receipt book kept by the county auditor. (Sec. 2, Art. 1010a, V.T.C.C.P., Part II.)

“Article 103.012. **PENALTY.** (a) An officer commits an offense if the officer violates a provision of Article 103.010 or Article 103.011.

“(b) An offense under this article is a Class C misdemeanor.

“(c) An officer who violates a provision of Article 103.010 or Article 103.011 or whose deputy violates a provision of those articles may be removed from office on the petition of the county or district attorney. (Sec. 3, Art. 1010a, V.T.C.C.P., Part II.)

#### “CHAPTER 104. CERTAIN EXPENSES PAID BY STATE OR COUNTY

“Article 104.001. **JURY PAY AND EXPENSES FOR JURORS.** (a) The sheriff of a county shall, with the approval of the commissioners court, provide food and lodging for jurors impaneled in a felony case tried in the county. A juror may pay his own expenses and draw his script.

“(b) A juror in a felony case is entitled to receive as jury pay the amount authorized by Article 2122, Revised Statutes.

“(c) The county treasurer shall pay a juror the amount due the juror for expenses under this article after receiving a certificate from a clerk of a court or justice of the peace stating the amount due the juror.

“(d) A draft or certificate issued under this article may be transferred by delivery and, without further action of any authority except registration by the county treasurer, may be used at par to pay county taxes owed by the holder of the draft or certificate.

“(e) If a defendant is indicted in one county and tried in another county after a change of venue, the county in which the defendant was indicted is liable for jury pay and expenses paid to jurors by the county trying the case.

“(f) At each regular meeting of the commissioners court of a county, the court shall determine whether, since the last regular meeting of the court, a defendant described by Subsection (e) has been tried in the county. The commissioners court shall prepare an account against another county liable for jury pay and expenses under this article. The account must show the number of days the jury was impaneled in the case and the jury pay and expenses incurred by the county in the case.

“(g) The county judge of the county in which the defendant was tried shall certify the correctness of the account and send the account to the county judge of the county in which the defendant was indicted. The county in which the defendant was indicted shall pay the account in the same manner required for payment of the expenses of transferred prisoners under Article 104.002. (Arts. 1038, 1039, 1050, 1051, 1059, 1060, V.T.C.C.P., Part II.)

“Article 104.002. **EXPENSES FOR PRISONERS.** (a) Except as otherwise provided by this article, a county is liable for all expenses incurred in the safekeeping of prisoners confined in the county jail or kept under guard by the county. If a prisoner is transferred to a county from another county on a change of venue, for safekeeping, or for a habeas corpus hearing, the county transferring the prisoner is liable for the expenses described by this article.

“(b) If a county incurs expenses for the safekeeping of a prisoner from another county, the sheriff shall submit to the county judge an account of expenses incurred by the county for the prisoner. The county judge shall approve the amount he determines is a correct statement of the expenses and sign and date the account.

“(c) The county judge shall submit to the commissioners court of the county for which the prisoner was kept, at a regular term of the court, his signed statement of the account described by Subsection (b). If the commissioners court determines that the account is in accordance with the law, it shall order the county treasurer to issue to the sheriff of the county submitting the statement a draft in an amount approved by the court. (Arts. 1037, 1048, 1049, V.T.C.C.P., Part II.)”

**SECTION 2. CONFORMING AMENDMENT.** Subsection (e), Section 6, Chapter 418, Acts of the 65th Legislature, Regular Session, 1977 (Article 1200f, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) Each officer collecting court costs under this section shall file the reports required under Article 103.005, Code of Criminal Procedure [~~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 shall state that no funds due under this section were collected."

**SECTION 3. CONFORMING AMENDMENT.** Subdivision (1), Subsection (e), Section 9B, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

"(1) All officers collecting court costs under this section shall file the reports required by Article 103.005, Code of Criminal Procedure [~~Articles 1001 and 1002, Code of Criminal Procedure, 1925~~]."

**SECTION 4. CONFORMING AMENDMENT.** Section 12.107, Parks and Wildlife Code, is amended to read as follows:

"Section 12.107. REMISSION OF FINES. (a) A justice of the peace, clerk of any court, or any other officer of the state who receives a fine imposed by a court for a violation of any law relating to the protection and conservation of wild birds, wild fowl, wild animals, fish, oysters, and other wildlife shall send the fine to the department within 10 days after the date of collection. A statement containing the docket number of the case, the name of the person fined, and the section of the law violated must accompany the remission of the fine.

"(b) The amount of the fine to be remitted to the department is 80 percent in county court cases and 85 percent in justice court cases.

~~"[(e) The fees set out in Articles 950 and 951, Code of Criminal Procedure, 1925, shall be deducted from fines imposed for violations of laws relating to wild game, birds, fish, oysters, and other wildlife.]"~~

**SECTION 5. REPEALER.** The following laws are repealed:

- (1) Articles 53.02 and 53.07, Code of Criminal Procedure, 1965; and
- (2) the following laws as compiled in Vernon's Texas Code of Criminal Procedure, Part II: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1010a, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1019a, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1030a, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1041a, 1041b, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1058, 1058a, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, and 1083.

**SECTION 6. LEGISLATIVE INTENT.** This Act is enacted pursuant to Article III, Section 43, of the Texas Constitution. This Act is intended as a recodification only, and no substantive change in the law is intended by this Act.

**SECTION 7. EFFECTIVE DATE.** This Act takes effect September 1, 1985.

**SECTION 8. 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 the Senate on April 10, 1985, by a viva-voce vote; passed the House on May 17, 1985, by a non-record vote.

Approved: June 5, 1985

Effective: September 1, 1985.