

CHAPTER 821

H.B. No. 2107

AN ACT

relating to the disposition of fees assessed for certain services performed by a peace officer and the amount and collection of certain other fees assessed by certain counties.

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

SECTION 1. Article 102.001, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) This article does not apply to a county with a population of two million or more.

SECTION 2. Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.011 to read as follows:

Art. 102.011. FEES FOR SERVICES OF PEACE OFFICERS IN CERTAIN COUNTIES. (a) A defendant convicted of a misdemeanor in a county with a population of two million or more shall pay the following fees for services performed in the case by a peace officer:

(1) \$20 for executing an arrest warrant or capias or for making an arrest without a warrant;

(2) \$5 for summoning a witness;

(3) \$20 for serving a writ not otherwise listed in this article;

(4) \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

(5) \$5 for a commitment or release;

(6) \$5 for summoning a jury, if a jury is summoned; and

(7) \$8 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) of this article, a defendant required to pay fees under this article shall also pay 21 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 traveled. 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; 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, the defendant shall pay \$10 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 \$5.

(e) A fee under Subsection (a)(1) of this article shall be assessed on conviction of an offense for which the defendant was arrested. However, only one fee may be assessed for an arrest regardless of the number of offenses for which the arrest was made. For the purposes of this article, the term "arrest" does not include the issuance by a peace officer of a written notice to appear in court, following the defendant's alleged violation of a traffic law or municipal ordinance.

(f) The custodian of a municipal or county treasury who receives fees imposed under this article for services performed by peace officers employed by the state shall forward the fees to the comptroller of public accounts on the last day of each calendar quarter after deducting \$10 of each fee received for a service performed under Subsection (a)(1) of this article.

(g) The custodian of a municipal or county treasury shall keep a record of the amount of fees he collects under this article for services performed by peace officers employed by the state. If a custodian does not collect any fees described by this subsection during a calendar quarter, the custodian shall file a report with the comptroller of public accounts on the last day of that quarter stating that the custodian did not collect any fees described by this subsection during that quarter.

(h) The comptroller of public accounts shall credit fees received under Subsection (f) of this article to the general revenue fund.

SECTION 3. The change in law made by this Act applies only to the disposition of a fee imposed for a service performed on or after the effective date of this Act. The disposition of a fee imposed for a service performed before the effective date of this Act is covered by the law in effect on the date the fee was imposed, and the former law is continued in effect for this purpose.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. 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 22, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2107 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 20, 1987.

Effective Sept. 1, 1987.