

CHAPTER 124

S.B. No. 243

AN ACT

relating to certain special expenses imposed by a municipal court when dismissal is required because of acts occurring subsequent to the offense alleged.

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

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SECTION 1. Article 45.06, Code of Criminal Procedure, as amended, is amended to read as follows:

Art. 45.06. FINES AND SPECIAL EXPENSES. The governing body of each incorporated city, town or village shall by ordinance prescribe such rules, not inconsistent with any law of this State, as may be proper to enforce, by execution against the property of the defendant, or imprisonment of the defendant, the collection of all fines imposed by such court, and shall also have power to adopt such rules and regulations concerning the practice and procedure in such court as said governing body may deem proper, not inconsistent with any law of this State. All such fines; a special expense, not to exceed \$25 for the issuance and service of a warrant of arrest for an offense under Section 38.11, Penal Code, or under Section 149, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes); and the special expenses described in Article 17.04 dealing with the requisites of a personal bond and a special expense for the issuance and service of a warrant of arrest, after due notice, not to exceed \$25, shall be paid into the city treasury for the use and benefit of the city, town or village. *The governing body of each incorporated city, town or village may by ordinance authorize a municipal court to collect a special expense for services performed in cases in which the laws of this State require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Such actions are limited to compliance with the provisions of Subsection (a), Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes). Such special expense shall not exceed the actual expenses incurred for the services or \$10, whichever is less.*

SECTION 2. (a) The change in law made by this Act applies only to special expenses imposed for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) Special expenses imposed for an offense committed before the effective date of this Act are covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. 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 March 9, 1987, by a viva-voce vote. Passed the House on May 8, 1987, by a non-record vote.

Approved May 20, 1987.

Effective Sept. 1, 1987.