

BILL ANALYSIS

S.B. 1923
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the legislature enacted Senate Bill 346 to consolidate criminal court costs and ensure they were constitutional. There are several criminal court costs left in statute, however, that could present constitutional issues. Furthermore, it is unclear where clerks should direct some of the funds from certain fines and reimbursement fees established in that law. S.B. 1923 seeks to remove and consolidate remaining criminal court costs and fees that could be unconstitutional, provides additional direction for clerks when handling those costs and fees to implement the changes from last session, and addresses the definition of conviction for the purposes of criminal court costs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1923 amends the Code of Criminal Procedure to specify that the \$7 fee deducted by a court clerk or fee officer from a felony defendant's payment of a fine ordered to repay a reward or part of a reward paid by a crime stoppers organization is a reimbursement fee for deposit in the general fund of the county. The bill specifies that the fee paid on release by a defendant who serves a term of confinement and treatment in a substance abuse felony punishment facility as a condition of community supervision for residential aftercare required as part of the defendant's treatment plan is a reimbursement fee.

S.B. 1923 establishes that, for purposes of certain Code of Criminal Procedure provisions relating to costs, fines, and fees, a person is considered to have been convicted in a case under the following circumstances:

- a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- the person receives community supervision, deferred adjudication, or deferred disposition; or
- the court defers final disposition of the case or imposition of the judgment and sentence.

S.B. 1923 specifies that the purpose of specified reimbursement fees paid by a defendant convicted of a felony or misdemeanor for the services provided in the case by a peace officer are to defray the cost of such services.

S.B. 1923 amends the Local Government Code, Parks and Wildlife Code, and Transportation Code to reclassify certain criminal court fines and fees as reimbursement fees.

S.B. 1923 amends the Government Code to establish that the provision establishing that the imposition of a new or amended court cost or fee does not take effect until the next January 1 after the law takes effect does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee takes effect on or after the January 1 following the regular session of the legislature at which the law was enacted.

S.B. 1923 repeals Articles 102.011(j) and 102.014(e), Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2021.