

- SUBJECT:** Additional defendant fees for transport by officer
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Place, Talton, Nixon, Pickett, Solis
0 nays
4 absent — Farrar, Greenberg, Hudson, Pitts
- SENATE VOTE:** On final passage, April 20 — voice vote
- WITNESSES:** None
- BACKGROUND:** A defendant convicted of a felony or misdemeanor must pay fees for services performed by a peace officer as prescribed by art. 102.011 of the Code of Criminal Procedure. If an officer conveys a prisoner after conviction to the county jail, conveys a prisoner arrested on a warrant or capias issued in another county to the county jail, or travels to execute criminal process, to summon or attach a witness, or to execute process not otherwise described, the defendant must pay 21 cents a mile for mileage required of the officer to perform the service.
- DIGEST:** SB 206 would require the defendant to pay 29 cents a mile, rather than 21 cents a mile, for mileage required of the officer to perform specified services. In addition, the defendant would have to pay the necessary and reasonable expenses incurred by the officer for meals and lodging in the performance of specified services, to the extent the expenses are reasonable and necessary under guidelines issued by the Texas Ethics Commission.
- The bill would take effect September 1, 1995.
- SUPPORTERS SAY:** The current 21 cents a mile does not fully reimburse local law enforcement agencies for the actual cost of transporting a defendant. Actual costs for a law enforcement agency include insurance on the car, maintenance, gasoline, and the meals and lodging of the officer. It is not unusual for an officer to make 500 mile round-trip transports of defendants.

For example, a defendant in Austin might skip bail and get arrested in Lubbock. The defendant, and not the municipality, should pay for the expenses associated with transporting that defendant back to Austin. Twenty-nine cents would come closer to meeting actual costs and would also be in line with the IRS deduction allowance. In addition, reason dictates that the defendant should pay the reasonable lodging and meals expenses of the officer.

OPPONENTS
SAY:

No apparent opposition