

SUBJECT: Courthouse security fee increase of \$5 for convicted defendants

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Gallego, Aliseda, Burkett, Christian, Rodriguez, Zedler
2 nays — Carter, Y. Davis
1 absent — Hartnett

WITNESSES: For — Edward Dion, County of El Paso; (*Registered, but did not testify:*
Jim Allison, County Judges and Commissioners Association of Texas;
John Dahill, Texas Conference of Urban Counties; Mark Mendez, Tarrant
County Commissioners Court; John Thompson, Polk County)
Against — None

DIGEST: CSHB 777 would increase the security fee paid by a defendant convicted of a felony or misdemeanor in a district court, a county court, county court at law, or justice court. The bill also would allow a municipal court to require a defendant convicted of an offense to pay an increased security fee. The fees would increase for defendants as follows:

- convicted of a felony offense in district court: from \$5 to \$10;
- convicted of a misdemeanor offense in a county court, county court at law, or district court: from \$3 to \$8;
- convicted of a misdemeanor in a justice court: from \$4 to \$9
- convicted of a misdemeanor in municipal court: from \$3 to \$8.

The bill would take effect September 1, 2011, and would apply only to court costs imposed on convictions for offenses committed on or after January 1, 2012.

SUPPORTERS SAY: CSHB 777 would increase the fee by \$5 for each category of convicted defendant for courthouse security costs. Security costs should be borne by convicted defendants, not taxpayers. In El Paso, taxpayers bear 60 percent of the burden for court security, and the security fee paid by defendants pays for only 40 percent of security costs.

As security needs grow greater every year for metal detectors, X-ray machines, electronic surveillance, locking mechanisms, and courthouse security personnel, the costs increase and more of the burden is shifted onto taxpayers. The fiscal note shows that CSHB 777 would result in increased revenue for courthouse security for fiscal 2012-2016 in the following amounts:

- Travis County - \$1,208,000;
- Bell County - \$612,252;
- Brown County - \$127,740;
- City of El Paso - \$2,333,333;
- City of Lufkin - \$189,750; and
- City of Lamesa - \$115,000.

An increase of \$5 to convicted defendants would be a reasonable amount, especially given the only other alternative, which would be to continue pushing the cost to taxpayers. Judges are allowed to implement payment plans for court costs, which would ease the burden for indigent defendants.

**OPPONENTS
SAY:**

The administration of justice benefits all citizens, so the costs of administering justice should be borne by all citizens. CSHB 777 would require defendants to pay only \$5 more, but for indigent defendants that is \$5 more than they have. Defendants already pay 11 mandatory court costs that add up to about \$93, and 25 costs are assessed on top of that, depending on the circumstances. Total court costs paid by a defendant could reach \$250. These court costs are in addition to fines assessed for the crime itself.

NOTES:

The companion bill, SB 606 by Rodriguez, was referred to Senate Criminal Justice Committee on February 17.