

BILL ANALYSIS

Senate Research Center

C.S.S.B. 182
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Intergovernmental Relations
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Committee Report (Substituted)

DIGEST

Currently, a defendant convicted in a trial for a misdemeanor or felony offense in certain courts must pay a security fee as a cost of court. This fee is used for court security measures such as metal detectors, surveillance equipment, and security personnel. The present concern is that this fee can only be collected from defendants who have a trial, thus exempting defendants who plead guilty or nolo contendere. As a result, thousands of dollars in security fees go uncollected. This legislation removes the phrase "in a trial" to clarify the meaning of "conviction" to include guilty and nolo contendere pleas. In addition, S.B. 182 includes a justice court among those courts wherein a defendant convicted of a misdemeanor must pay a fee; and includes continuing education on security issues among the security services for which the courthouse or municipal court building security fund may be used.

PURPOSE

As proposed, C.S.S.B. 182 establishes costs of court on conviction to fund courthouse and municipal court building security.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 102.017(a), (b), and (d), Code of Criminal Procedure, to require a defendant convicted of, rather than in a trial for, a felony offense in a district court to pay a \$5 security fee as a cost of court. Requires a defendant convicted of, rather than in a trial for, a misdemeanor offense in a justice court, county court, county court at law, or district court to pay a \$3 security fee as a cost of court. Authorizes a fund designated by this subsection to be used to finance continuing education on security issues for court personnel and security personnel for the purpose of providing security services for buildings housing certain courts, including a justice court. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Articles 102.017(b) and (d), Code of Criminal Procedure, to include a justice court among the courts wherein a defendant convicted of a misdemeanor offense is required to pay a \$3 security fee. Authorizes a fund designated by this subsection to be used only to finance continuing education on security issues for the purpose of providing security services for courts, including a justice court.