

COSTS AND ADMINISTRATION

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WHY IT MATTERS

- ❑ Allocating wrong amounts to court costs and fees-
- ❑ Failing to properly implement legislative changes
- ❑ Failing to assess court costs and fees when they should have been assessed
- ❑ Improperly waiving courts costs and fees

WHERE ARE THEY?

ALL OVER THE PLACE!

State Court Costs



COURT COSTS

- ▣ WHERE ARE THEY?
 - LOCAL GOVERNMENT CODE:
 - ▣ CF- Sec. 133.102 LGC
 - ▣ \$40 on "nonjailable" misdemeanor offense other than pedestrian or parking

WHERE ELSE?

- ▣ CHAPTER 102 CCP:
 - FEES FOR PEACE OFFICER SERVICE
 - WITNESS FEES, JURY FEE
 - EXPUNCTIONS, CHILD SAFETY FUND
 - LOCAL COURT COSTS

WHERE ELSE?

☐ Transportation Code:

- Traffic Fund –
- State Traffic Fee
- Child Passenger Safety Seat Fee

State court costs

Code	Amount	Retained	Applies to
CF <small>(193.102.LGC)</small>	\$40	10%	All but parking & pedestrian
JSF <small>(153.105.LGC)</small>	\$6	10%	All but parking & pedestrian
IDF <small>(133.107.LGC)</small>	\$2	10%	All but parking & pedestrian
JRF <small>(102.0945.CCP)</small>	\$4	10%	All but parking & pedestrian
STF <small>(842.4091.TC)</small>	\$30	5%	Only to Rules of the Road offenses

Local Court Costs



SECTION 51.607 G.C.

- ▣ FOLLOWING EACH REGULAR SESSION, THE COMPTROLLER SHALL IDENTIFY EACH LAW ENACTED THAT IMPOSES OR CHANGES THE AMOUNT OF A COURT COST OR FEE
- ▣ THE COMPTROLLER SHALL PREPARE A LIST IN THE TEXAS REGISTER NOT LATER THAN AUGUST 1
- ▣ NOTWITHSTANDING EFFECTIVE DATE OF LAW, IMPOSITION DOES NOT TAKE EFFECT UNTIL NEXT JANUARY 1.

Costs are mandatory

- ▣ When must they be assessed?

Upon CONVICTION:

- When judgment and sentence imposed
- When receives deferred disposition
- When disposition is deferred (i.e. DSC)



- ▣ When must they be paid?

- In entirety when pronounced
- In entirety at later date
- In specified intervals at specified dates

Waiver of costs

Court costs are MANDATORY

However, a judge may waive costs only when

- (1) teen court is granted; or
- (2) an indigent defendant defaults in payment of a fine or costs and community service would be an undue hardship

Waiver (cont.)

When a defendant has insufficient resources or income, judge may require community service, credited at not less than \$50 for every 8 hours of service

If defendant served time in jail for committing the offense or for any warrants associated with the offense, judge shall credit defendant for time served

Questions?

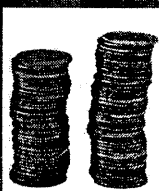
TMCEC	800-252-3718
OCA	512-463-1625
State Comptroller	800-531-5441 x34276

New court costs



MOVING VIOLATION FEE

- ☐ H.B. 3389-TECLOSE
- ☐ COST COLLECTION EFFECTIVE JAN. 1, 2010
- ☐ 10 CENT FEE ON MOVING VIOLATIONS
- ☐ ART. 102.022
- ☐ AND THE GOOD NEWS...



WHAT IS A MOVING VIOLATION?

- ☐ TAC- Title 37, Part I, Section 15.89
- ☐ Defined as: (1) act committed in connection with operation of a motor vehicle on a public street, which constitutes a hazard to traffic and is prohibited by law AND>>>>



CHILD SAFETY SEATS:

15 cents on convictions for 545.412 T.C.-sent to Comptroller monthly



ADMINISTRATIVE ISSUES

Deferred Disposition Special Expense Fee

- ☐ When does your court collect the special expense fee on a deferred disposition case?
- ☐ Article 45.051, CCP amended to authorize a municipal or justice court to collect the special expense fee prior to the end of the deferral period.


**NO QUOTAS:
NO RECRIMINATIONS**

- ▣ SEC. 720.002(a) T.C.: NO QUOTAS, NO REWARD OR COMPENSATION FOR MONEY BROUGHT INTO COURT
- ▣ (c) Subsection (a) does not prohibit a municipality from considering the source and amount of money collected from a municipal court when evaluating the performance of a judge employed by the municipality.

DPS Reporting

- ▣ Section 543.203 T.C. amended to require report to DPS, not later than the seventh day after a conviction or bail forfeiture.
- Prior law: 30 days to submit these reports.


JUROR EXEMPTION FOR THOSE WITH CUSTODY OF CHILDREN UNDER AGE 15



62.106 G.C.

S.B. 1436

- ▣ JUDGE'S RIGHT TO APPEAL CENSURE BY STATE COMMISSION ON JUDICIAL CONDUCT
- ▣ NOW MAY APPEAL CENSURE IN ADDITION TO EXISTING RIGHT TO APPEAL MORE SERIOUS IMPOSITION OF A SANCTION



TO RECAP:

- ▣ HOW MANY NEW COURT COSTS AFFECTING MUNICIPAL COURT WERE ADDED IN THE LAST LEGISLATIVE SESSION?
 - _____
- ▣ WHEN DO YOU BEGIN COLLECTING THE NEW COURT COSTS?
 - _____

- ▣ THE MOVING VIOLATION FEE IS APPLIED TO CONVICTIONS ON WHICH OFFENSES?
 - _____
- ▣ THE CHILD PASSENGER SAFETY SEAT COURT COST IS:
 - A. LONG OVERDUE
 - B. CUTTING-EDGE LEGISLATION
 - C. A GOOD IDEA GONE TERRIBLY WRONG
 - D. FIFTEEN CENTS

