

## **BILL ANALYSIS**

Senate Research Center  
78R1508 YDB-D

S.B. 790  
By: West  
Government Organization  
4/28/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, court costs, fees, and fines can be imposed on individuals for a wide variety of criminal offenses or civil actions and are codified in separate areas of the law. However, no person is responsible for evaluating whether certain costs and fees are needed, appropriate as to amount, or whether a fee is being used for its intended purpose. As proposed, S.B. 790 requires the Sunset Advisory Commission to review certain costs and fees and make recommendations to the legislature about whether those costs and fees should be continued.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 42.12, Code of Criminal Procedure, by adding Section 1A, as follows:

Sec. 1A. SUNSET REVIEW. (a) Requires the Sunset Advisory Commission (commission) to review the fee for the substance abuse felony program imposed under Section 14 and the fees imposed under Section 19. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section, Section 14, as amended by Chapter 1188, Acts of the 76th Legislature, Regular Session, 1999, and Section 19 expire September 1, 2005.

SECTION 2. Amends Subchapter A, Chapter 45, Code of Criminal Procedure, by adding Article 45.004, as follows:

Art. 45.004. SUNSET REVIEW. (a) Requires the commission to review the costs and fees authorized by Articles 45.026, 45.051(b)(7), 45.0511(f), and 45.052(e) and (g). Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the costs and fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this article and Articles 45.026, 45.051(b)(7), 45.0511(f), (g), and (h), and 45.052(e) and (g) expire September 1, 2005.

SECTION 3. Amends Subchapter A, Chapter 56, Code of Criminal Procedure, by adding Article 56.011, as follows:

Art. 56.011. SUNSET REVIEW. (a) Requires the commission to review the court costs imposed under Article 56.55. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the court costs reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this article and Articles 56.55, 56.56, 56.57, and 56.59 expire September 1, 2005.

SECTION 4. Amends Chapter 102, Code of Criminal Procedure, by adding Subchapter D, as follows:

#### SUBCHAPTER D. SUNSET REVIEW OF COSTS AND FEES

Art. 102.101. SUNSET REVIEW. (a) Requires the commission to review the costs and fees imposed under Articles 102.004, 102.005, 102.008, 102.011, 102.014, 102.017, 102.0171, 102.018, 102.019, 102.020, 102.072, and 102.075. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the costs and fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this article and Articles 102.004, 102.005, 102.008, 102.011, 102.014, 102.016, 102.017, 102.0171, 102.018, 102.019, 102.020, 102.072, and 102.075 expire September 1, 2005.

SECTION 5. Amends Chapter 54, Family Code, by adding Section 54.0412, as follows:

Sec. 54.0412. SUNSET REVIEW. (a) Requires the commission to review the costs and fees imposed under Section 54.0411. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the costs and fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Section 54.0411 expire September 1, 2005.

SECTION 6. Amends Chapter 51, Government Code, by adding Subchapter M, as follows:

#### SUBCHAPTER M. SUNSET REVIEW OF COSTS AND FEES

Sec. 51.951. SUNSET REVIEW. (a) Requires the commission to review the costs and fees imposed under Sections 51.207, 51.701, 51.702, 51.703, 51.704, 51.921, and 51.941. Requires the commission to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the costs and fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Sections 51.207, 51.701, 51.702, 51.703, 51.704, 51.921, and 51.941 expire September 1, 2005.

SECTION 7. Amends Chapter 56, Government Code, by adding Section 56.0011, as follows:

Sec. 56.0011. SUNSET REVIEW. (a) Requires the commission to review the cost imposed under Section 56.001. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the cost reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Section 56.001 expire September 1, 2005.

SECTION 8. Amends Subchapter A, Chapter 508, Government Code, by adding Section 508.0011, as follows:

Sec. 508.0011. SUNSET REVIEW. (a) Requires the commission to review the fees imposed under Section 508.182. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Section 508.182 expire September 1, 2005.

SECTION 9. Amends Subchapter A, Chapter 118, Local Government Code, by adding Section 118.003, as follows:

Sec. 118.003. SUNSET REVIEW. (a) Requires the commission to review the fees imposed under Section 118.011 and described by Section 118.015, 118.018, or 118.022. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Sections 118.015, 118.018, and 118.022 expire September 1, 2005, and a county clerk may not collect the fees imposed under Sections 118.011(a)(5), (7), and (8) on or after that date.

SECTION 10. Amends Subchapter A, Chapter 502, Transportation Code, by adding Section 502.0011, as follows:

Sec. 502.0011. SUNSET REVIEW. (a) Requires the commission to review the fee authorized by Section 502.407(b)(2). Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fee reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, a justice of the peace or municipal court judge may not collect the fee authorized by Section 502.407(b)(2) on or after September 1, 2005.

SECTION 11. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section

521.0011, as follows:

Sec. 521.0011. SUNSET REVIEW. (a) Requires the commission to review the fee authorized by Section 521.026(b). Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fee reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Section 521.026(b) expire September 1, 2005.

SECTION 12. Amends Subchapter D, Chapter 542, Transportation Code, by adding Section 542.405, as follows:

Sec. 542.405. SUNSET REVIEW. (a) Requires the commission to review the cost imposed under Section 542.403. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the cost reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Section 542.403 expire September 1, 2005.

SECTION 13. Amends Subchapter A, Chapter 548, Transportation Code, by adding Section 548.0011, as follows:

Sec. 548.0011. SUNSET REVIEW. (a) Requires the commission to review the fee imposed under Section 548.605(b)(2). Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fee reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, a court may not assess a fee under Section 548.605(b)(2) on or after September 1, 2005.

SECTION 14. Amends Chapter 706, Transportation Code, by adding Section 706.0011, as follows:

Sec. 706.0011. SUNSET REVIEW. (a) Requires the commission to review the fees imposed under Section 706.006. Requires the commission, in the review, to evaluate certain criteria.

(b) Requires the commission, before January 1, 2005, to make recommendations to the legislature about whether the fees reviewed under Subsection (a) should be continued.

(c) Provides that unless continued by the legislature, this section and Sections 706.005, 706.006, and 706.007 expire September 1, 2005.

SECTION 15. Provides that the changes in law made by this Act to abolish a court cost, court fee, or service fee apply only to a court cost, court fee, or service fee that becomes payable on or after September 1, 2005. Makes application of this Act prospective.

SECTION 16. Effective date: September 1, 2003.