

Local Court Costs and Fees

CHAPTER II

LOCAL COURT COSTS AND FEES

A. INTRODUCTION

There are numerous local court costs and fees that apply in county and district courts. They include:

- Clerk's fee;
- Records management and preservation fee;
- Courthouse security fee;
- Fee for services of prosecutors;
- Judicial fund court cost;
- Juvenile delinquency prevention fee;
- Breath alcohol testing court cost;
- Visual recording fee;
- Cost of evaluation court cost;
- Transaction administrative fee;
- Fees for services of peace officers;
- Additional court costs – traffic offenses;
- Jury fee;
- Appealed cases deferred special expense;
- Juvenile case manager court cost; and
- Child abuse prevention court cost.

B. CLERK'S FEE (CF)

Legal Reference

- Code of Criminal Procedure, Article 102.005 (*see Appendix – page 5*).

Amount to Charge

- \$40 per conviction.
(*Code of Criminal Procedure, Article 102.005 provides that a person is considered convicted if: (1) a sentence is imposed on the person; (2) the person receives community supervision, including deferred adjudication; or (3) the court defers final disposition of the case.*)

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

C. RECORDS MANAGEMENT AND PRESERVATION (RMP) FEE

Legal Reference

- Code of Criminal Procedure, Article 102.005(f) (*see Appendix – page 6*).

Amount to Charge

- \$25 per conviction.
(*Code of Criminal Procedure, Article 102.005 provides that a person is considered convicted if: (1) a sentence is imposed on the person; (2) the person receives community supervision, including deferred adjudication; or (3) the court defers final disposition of the case.*)

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- \$22.50 of each \$25.00 collected must be remitted to the county treasurer for deposit to the county Records Management and Preservation Fund for records management and preservation, including automation, in various county offices. The fund does not have to be in a separate bank account. Prior approval of the commissioners court is required before expenditures can be made from the fund.
- \$2.50 of each \$25.00 collected must be remitted to the county treasurer for deposit to the Records Management and Preservation Fund of the clerk of the court for records management and preservation services performed by the clerk of the court. The fund does not have to be in a separate bank account. Prior approval of the commissioners court is required before expenditures can be made from the fund.

D. COURTHOUSE SECURITY (CHS) FEE

Legal Reference

- Code of Criminal Procedure, Article 102.017 (*see Appendix – page 8*).

Amount to Charge

- \$5 per conviction of a felony offense; and
- \$3 per conviction of a misdemeanor offense.
(*Code of Criminal Procedure, Article 102.017 provides that a person is considered convicted if: (1) a sentence is imposed on the person; (2) the person receives community supervision, including deferred adjudication; or (3) the court defers final disposition of the person's case.*)

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- Collections must be remitted to the county treasurer for deposit in the Courthouse Security Fund. The fund does not have to be in a separate bank account. Money in the fund may be used only to finance security personnel for a district, county, or justice court, or to finance items which are used for the purpose of providing security services for buildings housing a district, county, or justice court, including:
 - the purchase or repair of X-ray machines and conveying systems;
 - handheld metal detectors;
 - walkthrough metal detectors;
 - identification cards and systems;
 - electronic locking and surveillance equipment;
 - contract security personnel during times when they are providing appropriate security services;
 - signage;
 - confiscated weapon inventory and tracking systems;
 - locks, chains, alarms, or similar security devices;
 - the purchase or repair of bullet-proof glass; and
 - continuing education on security issues for court personnel and security personnel.

E. FEE FOR SERVICES OF PROSECUTORS (FSP)

Legal Reference

- Code of Criminal Procedure, Article 102.008 (*see Appendix – page 6*).

Amount to Charge

- \$25 per conviction of a misdemeanor or gambling offense.

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

F. JUDICIAL FUND (JdF) COURT COST

Legal References

- Government Code, Section 51.702 (*see Appendix – page 17*); and
- Government Code, Section 51.703 (*see Appendix – page 18*).

Amount to Charge

- \$15 per conviction in statutory county courts and constitutional county courts.
(*Government Code, Sections 51.702 and 51.703 provide that the cost applies on conviction, including cases in which probation or deferred adjudication is granted.*)

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Conviction arising under any law that regulates pedestrians or the parking of motor vehicles; and
- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- Statutory County Courts
 - In those counties that have adopted the additional costs and fees under Government Code, Section 51.702 (participating counties), collections from this \$15 court cost are sent to the state. Amounts received by the state are returned to the participating counties based on the combined number of statutory county court at law judges in the participating counties.
 - In those counties that have not adopted the additional costs and fees under Government Code, Section 51.702 (non-participating counties), collections from this \$15 court cost are deposited in the county treasury and are subject to appropriation by the commissioners court for any legal purpose.
- Constitutional County Courts
 - Collections from this \$15 court cost are sent to the state and are returned to those counties in which the county judge is entitled to receive a salary supplement from the state under Government Code, Section 26.006.

G. JUVENILE DELINQUENCY PREVENTION (JPD) FEE

Legal References

- Code of Criminal Procedure, Article 102.0171 (*see Appendix – page 9*); and
- Family Code, Section 54.0461 (*see Appendix – page 16*).

Amount to Charge

- \$5 per conviction of offenses under Penal Code, Section 28.08; and
- \$5 per case if a child is adjudicated as having engaged in delinquent conduct that violates Penal Code, Section 28.08.

(Code of Criminal Procedure, Article 102.0171 provides that a person is considered convicted if: (1) a sentence is imposed on the person; (2) the person receives community supervision, including deferred adjudication; or (3) the court defers final disposition of the person's case.

The court can waive the fee in a juvenile's case if the court finds that the child, parent, or other person responsible for the child's support is unable to pay the fee. The court has to enter a statement of the finding into the case records.)

Offenses Included

- Conviction of graffiti offenses under Penal Code, Section 28.08;
- If imposed by the court, Penal Code, Section 28.08 offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision; and
- Cases where a child is adjudicated as having engaged in delinquent conduct that violates Penal Code, Section 28.08.

Offenses Excluded

- Unless imposed by the court, Penal Code, Section 28.08 offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- Collections must be remitted to the county treasurer for deposit in the County Juvenile Delinquency Prevention Fund. The fund does not have to be in a separate bank account. Money in the fund may be used only to:
 - repair damage caused by the commission of offenses under Penal Code, Section 28.08;
 - provide educational and intervention programs designed to prevent individuals from committing offenses under Penal Code, Section 28.08;
 - provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Penal Code, Section 28.08;
 - provide funding for teen recognition and teen recreation programs;
 - provide funding for local teen court programs;
 - provide funding for the local juvenile probation department; and
 - provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct.

H. BREATH ALCOHOL TESTING (BAT) COURT COST

Legal Reference

- Code of Criminal Procedure, Article 102.016 (*see Appendix – page 8*).

Amount to Retain of the Consolidated Court Cost (This is Not a Separate Court Cost)

In a county that maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by the Department of Public Safety:

- \$22.50 of each consolidated court cost amount for felony offenses under Penal Code, Chapter 49
(*The consolidated court cost amount for felonies is \$133*); and
- \$22.50 of each consolidated court cost amount for Class A and Class B misdemeanor offenses under Penal Code, Chapter 49.
(*The consolidated court cost amount for Class A and Class B misdemeanors is \$83.*)

Offenses Included

- Felony, Class A misdemeanor, and Class B misdemeanor offenses under Penal Code, Chapter 49 – Intoxication and Alcoholic Beverage Offenses; and
- If imposed by the court, Penal Code, Chapter 49 offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, Penal Code, Chapter 49 offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- Money must be used to defray the costs of maintaining and supporting a certified alcohol breath testing program.

I. VISUAL RECORDING FEE (VRF)

Legal Reference

- Code of Criminal Procedure, Article 102.018 (*see Appendix – page11*).

Amount to Charge

- \$15 per conviction.
(*Code of Criminal Procedure, Article 102.018 provides that a person is considered to have been convicted in a case if: (1) sentence is imposed; (2) the defendant receives probation or deferred adjudication; or (3) the court defers final disposition of the case.*)

Offenses Included

- Conviction of offenses relating to the driving or operating of a motor vehicle under Penal Code, Section 49.04 – Driving While Intoxicated, if, subsequent to the arrest of the defendant, a law enforcement agency visually recorded the defendant with an electronic device; and
- If imposed by the court, offenses described above disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision, relating to the driving or operating of a motor vehicle under Penal Code, Section 49.04 – Driving While Intoxicated, if, subsequent to the arrest of the defendant, a law enforcement agency visually recorded the defendant with an electronic device.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

J. COST OF EVALUATION (COV) COURT COST

Legal Reference

- Code of Criminal Procedure, Article 102.018 (*see Appendix – page11*).

Amount to Charge

- Cost of an evaluation of the defendant performed under Code of Criminal Procedure, Article 42.12, Section 13(a).
(Code of Criminal Procedure, Article 102.018 provides that a person is considered to have been convicted in a case if: (1) sentence is imposed; (2) the defendant receives probation or deferred adjudication; or (3) the court defers final disposition of the case. The court can waive the imposition of the cost if the court determines the defendant is indigent and unable to pay the cost.)

Offenses Included

- Conviction of offenses relating to the driving or operating of a motor vehicle under Penal Code, Section 49.04(b) – Driving While Intoxicated; and
- If imposed by the court, offenses described above disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, offenses disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision, relating to the driving or operating of a motor vehicle under Penal Code, Section 49.04(b) – Driving While Intoxicated.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

K. TRANSACTION ADMINISTRATIVE FEE (TAF)

Legal Reference

- Code of Criminal Procedure, Article 102.072 (*see Appendix – page 13*).

Amount to Charge

- Optional fee not to exceed \$2 for each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.
(*Each clerk must decide whether or not to charge the fee. A commissioners court, county auditor, or county treasurer cannot require a county clerk or district clerk to charge the fee.*)

Offenses Included

- All offenses with a fine, fee, restitution, or other costs imposed by a court.

Offenses Excluded

- Transactions relating to the collection of child support.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

L. FEES FOR SERVICES OF PEACE OFFICERS (FSPO)

Legal References

- Code of Criminal Procedure, Article 102.011 (*see Appendix – page 7*) and Local Government Code, Sections 133.051–133.059 and 133.104 (*see Appendix – page 20*).

Amount to Charge

To assess the following fees, there must be documentation that the service was performed by a peace officer.

(*Refer to Code of Criminal Procedure, Article 2.12 for a listing of peace officer categories.*)

ARREST FEE

- \$5 for issuing a written notice to appear in court following the defendant’s violation of a traffic law, municipal ordinance, or penal law, or for making an arrest without a warrant
(*The arrest fee does not apply to charges initiated by a filed complaint, such as Failure to Appear – Penal Code, Section 38.10.*); and

WARRANT FEE

- \$50 for executing or processing an issued arrest warrant or capias.
(*Executing a warrant or capias means arresting the defendant. The law does not define “processing.” Each judge must consider what he/she will consider as “processing.” In practice, “processing” has generally included any activity performed by a peace officer, after a warrant/capias is issued, related to the purpose the warrant/capias was issued for. For example, after a capias pro fine is issued, if a peace officer makes a telephone call to the defendant, sends a letter to the defendant, or enters the capias in a data bank, the capias would be considered “processed.” Remember, this is a fee for the service of a peace officer. A clerk’s office or court employee (that is not a peace officer) cannot generate the fee. In the example above, if the clerk’s office or court employee (that is not a peace officer) called the defendant, sent the defendant a letter, or entered the capias in a data bank, the fee would not apply. Additionally, a warrant/capias must have a judge’s signature before it is considered “issued.”*)

If the “executing” law enforcement agency is different than the “processing” law enforcement agency, the law enforcement agency that executed the arrest warrant or capias is entitled to the full \$50 fee if they request it from the court within 15 days of the arrest. However, if they do not request it within the required time period, the fee must still be assessed and retained by the county of the law enforcement agency that processed the arrest warrant or capias. Counties that have a lot of interaction with other law enforcement agencies should consider meeting with those agencies and developing an efficient way to process requests and payments.

Code of Criminal Procedure, Article 102.011(g) provides that “conviction” has the meaning assigned by Section 133.101 of the Local Government Code. Section 133.101 provides that a person is considered to have been convicted in a case if: (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person; (2) the person receives community supervision, deferred adjudication, or

deferred disposition; or (3) the court defers final disposition of the case or imposition of the judgment and sentence.

A “warrant of arrest” is a written order from a magistrate directed to a peace officer commanding the officer to take the body of the person accused of an offense, to be dealt with according to law. A “capias,” on the other hand, is a writ issued by the court or clerk directed to a peace officer commanding the officer to arrest a person accused of an offense and bring that person before the court immediately, or on a day or at a term stated in the writ.)

OTHER FEES

Other fees that could be assessed include:

- \$5 for summoning a witness;
- \$35 for serving a writ not otherwise listed in Code of Criminal Procedure, Article 102.011
(includes a summons for a defendant or parent of a juvenile);
- \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;
- \$5 for a commitment or release;
- \$5 for summoning a jury, if a jury is summoned;
- \$8 for each day’s attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail;
- Reasonable expenses for meals and lodging incurred and \$.29 per mile for mileage required to perform and return from performing one of the following services:
 - conveying a prisoner after conviction to the county jail;
 - conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county; and
 - traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article;
- \$10 per day or part of a day spent by an officer conveying a witness and actual necessary expenses for travel by the most practical public conveyance if an officer attaches a witness on the order of a court outside the county;
- For the services of a sheriff or constable who serves process and attends an examining trial in a felony or misdemeanor case, the same fees allowed for those services in the trial of a felony or a misdemeanor, not to exceed \$5; and
- Costs of overtime paid for time spent testifying in or traveling to or from testifying in the trial of a case.
(In most counties, peace officers submit their fees on a “bill of costs.”)

Offenses Included

- Conviction of all criminal offenses, except as noted below;
- Conviction of offenses relating to pedestrians or the parking of motor vehicles
(Article 102.011 does not specifically exempt parking and pedestrian offenses as do some court cost and fee laws.);
- Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.115;

- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

M. ADDITIONAL COURT COST – TRAFFIC (TFC) OFFENSES

Legal Reference

- Transportation Code, Section 542.403 (*see Appendix – page 24*).

Amount to Charge

- \$3 per conviction.
(Transportation Code, Section 542.403 provides that “conviction” has the meaning assigned by Section 133.101 of the Local Government Code. Section 133.101 provides that a person is considered to have been convicted in a case if: (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person; (2) the person receives community supervision, deferred adjudication, or deferred disposition; or (3) the court defers final disposition of the case or imposition of judgment and sentence.)

Offenses Included

- Conviction of offenses under Transportation Code, Title 7, Subtitle C – Rules of the Road (*Subtitle C is comprised of chapters 541-600 in the Transportation Code*);
- Subtitle C – Rules of the Road cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, Subtitle C – Rules of the Road cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.
(Most offenses under Transportation Code, Title 7, Subtitle C are Class C misdemeanors. However, several offenses either can be or are Class A misdemeanors, Class B misdemeanors, or felonies, including: Passing a School Bus – Section 545.066; Fleeing or Attempting to Elude Police Officer – Section 545.211; Reckless Driving – Section 545.401; Person Riding in Trailer or Semitrailer Drawn by Truck, Road Tractor, or Truck Tractor – Section 545.4191; Racing on Highway – Section 545.420; Fictitious or Counterfeit Inspection Certificate or Insurance Document – Section 548.603; Accident Involving Personal Injury or Death – Section 550.021; Accident Involving Damage to Vehicle – Section 550.022; Duty on Striking Unattended Vehicle – Section 550.024; and Duty on Striking Fixture or Highway Landscaping – Section 550.025.)

Offenses Excluded

- Unless imposed by the court, Subtitle C – Rules of the Road cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision; and
- Offenses that are not under Transportation Code, Title 7, Subtitle C – Rules of the Road.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

N. JURY FEE (JF)

Legal Reference

- Code of Criminal Procedure, Article 102.004 (*see Appendix – page 5*).

Amount to Charge

- \$20 per conviction.
(Code of Criminal Procedure, Article 102.004 provides that “conviction” has the meaning assigned by Section 133.101 of the Local Government Code. Section 133.101 provides that a person is considered to have been convicted in a case if: (1) a judgment, a sentence, or both a judgment and sentence are imposed on the person; (2) the person receives community supervision, deferred adjudication, or deferred disposition; or (3) the court defers final disposition of the case or imposition of the judgment and sentence.)

Offenses Included

- Cases where conviction is by a jury.

Offenses Excluded

- All others.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

O. APPEALED CASES DEFERRED SPECIAL EXPENSE

Legal References

- Code of Criminal Procedure, Article 42.111 (*see Appendix – page 1*); and
- Code of Criminal Procedure, Article 45.051 (*see Appendix – page 3*).

Amount to Charge

- A special expense not to exceed the amount of the fine assessed.
(*Code of Criminal Procedure, Article 42.111 provides that the county court may defer further proceedings without entering an adjudication of guilt in the same manner as provided for the deferral proceedings in justice court or municipal court under Article 45.051. Article 45.051 provides that a special expense not to exceed the amount of the fine assessed may be imposed at the conclusion of the deferral period when the case is dismissed.*)

Offenses Included

- Convictions of misdemeanors punishable by fine only appealed to county court, in which the defendant enters a plea of guilty or nolo contendere at the county court trial.

Offenses Excluded

- Cases disposed of under Code of Criminal Procedure, Article 45.0511 – Driving Safety Course or Motorcycle Operator Course Dismissal; and
- Serious traffic violations as defined by Transportation Code, Section 522.003.

Use of Money

- There are no specific restrictions as to how the money is to be used. Collections must be remitted to the county treasurer and are subject to appropriation by the commissioners court for any legal purpose.

P. JUVENILE CASE MANAGER COURT COST (JCM)

Legal Reference

- Code of Criminal Procedure, Article 102.0174 (*see Appendix – page 10*).

Amount to Charge

- Not to exceed \$5 per conviction if commissioners court has passed appropriate order. (*Code of Criminal Procedure, Article 102.0174 provides that a person is considered convicted if: (1) a sentence is imposed on the person; or (2) the defendant receives deferred disposition, including deferred proceedings under Article 45.052 or 45.053; or (3) the defendant receives deferred adjudication in county court. The judge may waive the fee in a case of financial hardship.*)

Offenses Included

- Conviction of fine only misdemeanors in justice and county-level courts, except as noted below;
- Conviction of fine only misdemeanors relating to pedestrians or the parking of motor vehicles
(*Code of Criminal Procedure, Article 102.0174 does not specifically exempt parking and pedestrian offenses as do some court cost and fee laws.*);
- Cases disposed of under Code of Criminal Procedure, Article 42.111 – Deferral of Proceedings in Cases Appealed to County Court; and
- If imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision; and
- Cases where the judge waives the fee because of financial hardship.

Use of Money

- Collections must be remitted to the county treasurer for deposit in the Juvenile Case Manager Fund. The fund does not have to be in a separate bank account. Money in the fund may be used only to finance the salary and benefits of a juvenile case manager employed under Code of Criminal Procedure, Article 45.056.

Note

This fee was added by the 79th Legislature, Regular Session, in House Bill 1575 and applies to conviction of offenses committed on or after January 1, 2006.

Q. CHILD ABUSE PREVENTION COURT COST (CAP)

Legal Reference

- Code of Criminal Procedure, Article 102.0186 (*see Appendix – page 12*).

Amount to Charge

- \$100 on conviction of the following offenses:
(*Code of Criminal Procedure, Article 102.0186 provides that the cost is imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred adjudication for the offense.*)
 - Penal Code, Section 21.11 – Indecency With a Child;
 - Penal Code, Section 22.011(a)(2) – Sexual Assault;
 - Penal Code, Section 22.021 (a)(1)(B) – Aggravated Sexual Assault;
 - Penal Code, Section 43.25 – Sexual Performance by a Child;
 - Penal Code, Section 43.251 – Employment Harmful to Children; and
 - Penal Code, Section 43.26 – Possession or Promotion of Child Pornography.

Offenses Included

- Conviction of offenses listed in the “Amount to Charge” section above; and
- If imposed by the court, cases listed in the “Amount to Charge” section above, disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Offenses Excluded

- Unless imposed by the court, cases listed in the “Amount to Charge” section above disposed of under Code of Criminal Procedure, Article 42.12 – Community Supervision.

Use of Money

- Collections must be remitted to the county treasurer for deposit in County Child Abuse Prevention Fund. The fund does not have to be in a separate bank account. Money in the fund may be used only to fund child abuse prevention programs in the county where the court is located.

Note

This fee was added by the 79th Legislature, Regular Session, in Senate Bill 6 and applies to conviction of offenses committed on or after January 1, 2006.