



Court Costs and Fees Study

Sunset Study of Court Costs and Fees

House Bill 1116, passed in 2005 by the 79th Legislature, required the Sunset Commission, as part of its review of criminal justice agencies, to study the purpose, collection, and use of certain criminal court costs and fees, and parole, probation, and community supervision fees.¹ In addition, the legislation required the Office of the State Auditor (SAO), Legislative Budget Board (LBB), Comptroller of Public Accounts (the Comptroller), and any other state agency to assist Sunset as necessary in conducting the study. The legislation directs the Sunset Commission to include any recommendations it considers appropriate in its report to the 80th Legislature.

As noted below, both the Senate Jurisprudence Committee and LBB are currently performing similar court costs and fees studies. Therefore, Sunset staff limited the scope of this review to prevent any duplication of effort. The following includes an overview of court costs and fees; data and tables of state and local court costs, created and provided by LBB and the Office of Court Administration (OCA), detailing the various assessments for certain categories of offenses; and three case studies performed by Sunset staff that provide real-world examples of the types of court costs and fees certain offenders may face.

Overview of Court Costs and Fees

In Texas, municipal courts, justice courts, county courts, and district courts are authorized to hear certain types of criminal cases. Each of these courts must impose basic mandatory state and local court costs and fees on defendants, in addition to county-imposed court costs, fees, and fines. Generally, state court costs and fees are submitted to the Comptroller for deposit into state funds, and local court costs and fees are retained by the county or municipality. Court costs and fees generally pay for certain programs, such as those aimed at crime prevention, victim compensation, and training of court and law enforcement personnel.

The Comptroller and OCA provide direction and assistance regarding the collection of court costs and fees. The Comptroller is responsible for administering state court costs and fees. County and district courts must assess, collect, and report fees in accordance with Comptroller requirements. OCA provides technical assistance to local courts to improve the collection of these fees for the state. OCA also publishes court costs and fees handbooks for municipal courts, justice courts, and county and district clerks, and administers the Collection Improvement Program.

The Collection Improvement Program is a process designed to improve the collection of court costs and fees by creating a process for managing cases when defendants are not prepared to pay all court costs, fees, and fines, at the point of assessment and when time to pay is requested. OCA originally developed the program as a voluntary model in 1996. However, in response



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to concerns and reports regarding uncollected and misused court costs and fees, the 79th Legislature expanded the program and required counties with a population greater than 50,000 and cities with a population greater than 100,000 to implement a court collection improvement program.^{2,3}

Both the Senate Jurisprudence Committee and LBB have reviewed the Collection Improvement Program. In December 2006, the Committee published an interim report recommending changes to the Collection Improvement Program designed to improve program effectiveness. LBB provided additional information about the Collection Improvement Program and its implementation in the mandatory jurisdictions in its *Financing the Judiciary in Texas, Legislative Primer*, published January 2007.

Court Costs and Fees in Criminal Cases Sent to the State

Municipal Courts are authorized to hear only three types of criminal cases: municipal ordinance offense cases; Transportation Code, Title 7, Subtitle C offense cases; and Class C Misdemeanor offense cases. Justice Courts are authorized to hear only two types of criminal cases: Transportation Code, Title 7, Subtitle C offense cases and Class C Misdemeanor offense cases. County and District Courts are authorized to hear all types of criminal offense cases except municipal ordinance offenses. The courts impose basic mandatory state and local court costs and fees, as well as additional court costs and fees, as applicable. State court costs and fees are those submitted to the state Comptroller of Public Accounts for deposit into state funds, although a portion of some of those costs and fees are retained by the applicable local government. Local court costs and fees are those retained by the municipality or county, as applicable.

The dollar amounts in Tables 1A and 1B reflect only those criminal court costs and fees of which all or a portion are submitted to the Comptroller of Public Accounts. Those state court costs and fees are imposed in municipal, justice, county, and district courts. Municipal criminal court costs and fees are shown in Tables 2A, 2B, and 2C. All criminal court costs and fees that can be imposed are shown in Tables 3A, 3B, 3C, and 3D. Shaded rows indicate the types of offenses described in the following case studies.

Table 1A

Basic State Criminal Court Costs and Fees Imposed by Municipal, Justice, County, and District Courts

Offense / Description	State Consolidated Court Cost	State Jury Reimbursement Fee	State Judicial Support Fee	State Traffic Fine	State EMS Trauma Fund	State DNA Testing	Total State Court Costs and Fees
Municipal Ordinance (imposed and collected in Municipal Court only): Offenses other than parking or pedestrian	\$40.00	\$4.00	\$4.00	N/A	N/A	N/A	\$48.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road), Parking and Pedestrian	N/A	N/A	N/A	\$30.00	N/A	N/A	\$30.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road), Other Offenses	\$40.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$78.00
Class C Misdemeanor: All Other Offenses (except violations of handicapped parking Trans. Code §681.011: not applicable)	\$40.00	\$4.00	\$4.00	N/A	N/A	N/A	\$48.00
Class A or B Misdemeanors: Transportation Code, Title 7, Subtitle C (Rules of the Road)	\$83.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$121.00
Class A or B Misdemeanors: Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$83.00	\$4.00	\$4.00	N/A	\$100.00	N/A	\$191.00
Class A or B Misdemeanors: Penal Code, DNA Testing Offenses	\$83.00	\$4.00	\$4.00	N/A	N/A	\$50.00	\$141.00
Class A or B Misdemeanors: All Other Offenses	\$83.00	\$4.00	\$4.00	N/A	N/A	N/A	\$91.00
Felonies: Transportation Code, Title 7, Subtitle C (Rules of the Road)	\$133.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$171.00
Felonies: Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$133.00	\$4.00	\$4.00	N/A	\$100.00	N/A	\$241.00
Felonies: Penal Code, DNA Testing Offenses	\$133.00	\$4.00	\$4.00	N/A	N/A	\$250.00	\$391.00
Felonies: All Other Offenses	\$133.00	\$4.00	\$4.00	N/A	N/A	N/A	\$141.00

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Sent to the State

**Table 1B
Other State Criminal Court Costs and Fees Imposed by Municipal, Justice, County, and District Courts**

Fee Type	Portion of Fee Submitted to State	Total Amount of Fee Imposed
<p>Arrest Fee: 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. When service is performed by a peace officer employed by the state, 20 percent (\$1.00) is sent to the state.</p>	\$1.00	\$5.00
<p>Warrant Fee: For executing or processing an issued arrest warrant or <i>capias</i>. When service is performed by a peace officer employed by the state, 20 percent (\$10.00) is sent to the state.</p>	\$10.00	\$50.00
<p>Failure to Appear Fee: If a city or county has contracted with the Department of Public Safety to provide information necessary for the department to deny renewal of driver's licenses, a fee is charged for (a) each complaint or citation reported to DPS under Transportation Code, Chapter 706, unless the person is acquitted of the charges for which the person failed to appear, or (b) failing to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders. The fee is due when (1) the court enters judgment on the underlying offense reported to the department; (2) the underlying offense is dismissed; or (3) bond or other security is posted to reinstate the charge for which the warrant was issued.</p>	\$20.00	\$30.00
<p>Time Payment Fee: From a person who pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution. One-half (\$12.50) is sent to the state. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10.00) is retained locally with no restrictions.</p>	\$12.50	\$25.00
<p>Judicial Fund Court Cost: Court cost on conviction of any criminal offense in statutory county courts and constitutional county courts only, including cases in which probation or deferred adjudication is granted. However, convictions arising under any law that regulates pedestrians or the parking of motor vehicles are not included.</p>	\$15.00	\$15.00
<p>Restitution Installment Fee: Imposed when the court requires defendant to make restitution in specified installments under Code of Criminal Procedure, Article 42.037. One-half (\$6.00) is sent to the state. One-half (\$6.00) is retained locally for costs incurred in collecting the installments.</p>	\$6.00	\$12.00

Sources: Legislative Budget Board; Office of Court Administration, *County & District Clerks – Court Costs and Fees Handbook* (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Retained by Municipality

**Table 2A
Basic Municipal Criminal Court Costs and Fees Imposed by Municipal or Justice Courts**

Offense / Description	Traffic	Child Safety	Total Local Government Costs/Fees
Municipal Ordinance: Parking authorized by Transportation Code §542.202 – §542.203 (Powers of Local Authorities and Limitation on Local Authorities)	N/A	Note 1	Note 1
Municipal Ordinance: Pedestrian and Other Municipal Offenses	N/A	N/A	N/A
State Law: Education Code §25.093, Parent Contributing to Nonattendance and §25.094, Failure to Attend School	\$0.00	\$20.00	\$20.00
State Law: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian in a School Zone	\$3.00	\$25.00	\$28.00
State Law: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian outside a School Zone	\$3.00	\$0.00	\$3.00
State Law: Transportation Code, Title 7, Subtitle C (Rules of the Road) – §545.066, Passing a School Bus	\$3.00	\$25.00	\$28.00
State Law: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (in a School Crossing Zone)	\$3.00	\$25.00	\$28.00
State Law: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (outside a School Crossing Zone)	\$3.00	\$0.00	\$3.00
All Other Misdemeanors	N/A	N/A	N/A

Note 1: Up to \$5.00 court cost for cities with population < 850,000 that have adopted appropriate ordinance, regulation, or order (optional). From \$2.00 to \$5.00 court cost for cities with population > 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

Sources: Legislative Budget Board; Office of Court Administration, *County & District Clerks – Court Costs and Fees Handbook* (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Retained by Municipality

Table 2B

Other Municipal Criminal Court Costs and Fees (if applicable); Fees for Services of Peace Officers under Code of Criminal Procedure, Article 102.011

Court Costs / Fees	Local Government Amount Retained
Arrest Fee: \$5.00 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. When service is performed by a peace officer employed by the state, 20 percent (\$1.00) is sent to the state. (Imposed by municipal, justice, county, or district court.)	\$5.00 if local peace officer; \$4.00 if state peace officer
Warrant Fee: \$50.00 for executing or processing an issued arrest warrant or capias. When service is performed by a peace officer employed by the state, 20 percent (\$10.00) is sent to the state. (Imposed by municipal, justice, county, or district court.)	\$50.00 if local peace officer; \$40.00 if state peace officer
Summoning a Witness: Fee of \$5.00 for serving a subpoena. (Imposed by a municipal or justice court.)	\$5.00
Summoning a Jury: Fee of \$5.00. (Imposed by a municipal or justice court.)	\$5.00
Service of a Summons (for a defendant or child's parents): Fee of \$35.00 (Imposed by a municipal or justice court.)	\$35.00
Other Costs: Actual for overtime paid for time spent testifying in the trial of a case or traveling to and from testifying in the trial of a case. (Imposed by a municipal or justice court.)	Varies

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Retained by Municipality

Table 2C

Other Municipal Criminal Court Costs and Fees Not Associated with Peace Officer Services

Court Costs / Fees	Local Government Amount Retained
Driving Record Fee: Optional \$10.00 fee for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety. All (100 percent) is sent to the state. (Imposed by a municipal or justice court.)	\$0.00
Special Expense Warrant Fee: Not to exceed \$25.00 per warrant for failure to appear or violation of promise to appear if the governing body has passed the required ordinance. (Imposed by a municipal or justice court.)	\$25.00
Municipal Court Building Security Fee: \$3.00 if governing body has passed required ordinance. (Imposed by a municipal or justice court.)	\$3.00
Municipal Court Technology Fee: Not to exceed \$4.00 if governing body has passed required ordinance. (Imposed by a municipal or justice court.)	\$4.00
Juvenile Case Manager Court Cost: Not to exceed \$5.00 if governing body has passed required ordinance. (Imposed by a municipal or justice court.)	\$5.00
Failure to Appear Fee: If a city or county has contracted with the Texas Department of Public Safety to provide information necessary for the department to deny renewal of driver's licenses, \$30.00 for failure to appear or failure to pay or satisfy a judgment; however, only \$4.00 is retained locally. (Imposed by municipal, justice, county, or district court.)	\$4.00
Jury Fee: \$3.00 per conviction when conviction is by a jury or when a defendant requests a jury trial and withdraws the request within less than 24 hours of the time of trial. (Imposed by a municipal or justice court.)	\$3.00
Time Payment Fee: \$25.00 from a person who pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution; however, only \$2.50 is retained locally for judicial efficiency and \$10.00 is retained locally with no restrictions. (Imposed by municipal, justice, county, or district court.)	\$12.50
Administrative Fees (for dismissing certain driving charges and for requesting a driving safety course): Not to exceed \$10.00. (Imposed by a municipal or justice court.)	\$10.00
Teen Court Fees: Optional fee not to exceed \$10.00. (Imposed by a municipal or justice court.)	\$10.00
Expungement Fee: \$30.00 for each application filed. (Imposed by a municipal or justice court.)	\$30.00

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Retained by Municipality

Table 3A

Basic Criminal Court Costs and Fees; Imposed by Municipal, Justice, County, or District Courts

Offense / Description	State Consolidated Court Cost	State Jury Reimbursement Fee	State Judicial Support Fee	State Traffic Fine	State EMS Trauma Fund	State DNA Testing	Total State Court Costs and Fees	Municipal Traffic	Municipal Child Safety	Total Municipal Court Costs and Fees	Total Court Costs and Fees
Municipal Ordinance: Parking authorized by Transportation Code §542.202 – \$542.203 (Powers of Local Authorities and Limitation on Local Authorities)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Note 1	Note 1	Note 1
Municipal Ordinance: Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Municipal Ordinance: Other Municipal Offenses	\$40.00	\$4.00	\$4.00	N/A	N/A	N/A	\$48.00	N/A	N/A	N/A	\$48.00
Class C Misdemeanor: Education Code §25.093, Parent Contributing to Nonattendance and §25.094, Failure to Attend School	\$40.00	\$4.00	\$4.00	N/A	N/A	N/A	\$48.00	N/A	\$20.00	\$20.00	\$68.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian in a School Zone	N/A	N/A	N/A	\$30.00	N/A	N/A	\$30.00	\$3.00	\$25.00	\$28.00	\$58.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian outside a School Zone	N/A	N/A	N/A	\$30.00	N/A	N/A	\$30.00	\$3.00	N/A	\$3.00	\$63.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – \$545.066, Passing a School Bus [Amounts shown reflect Class C Misdemeanor, although this offense can be a Class A if serious bodily injury occurs or a State Jail Felony if this is a subsequent offense.]	\$40.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$78.00	\$3.00	\$25.00	\$28.00	\$106.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (in a School Crossing Zone)	\$40.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$78.00	\$3.00	\$25.00	\$28.00	\$106.00

Court Costs and Fees in Criminal Cases Retained by Municipality

Table 3A (continued)
Basic Criminal Court Costs and Fees; Imposed by Municipal, Justice, County, or District Courts

Offense / Description	State Consolidated Court Cost	State Jury Reimbursement Fee	State Judicial Support Fee	State Traffic Fine	State EMS Trauma Fund	State DNA Testing	Total State Court Costs and Fees	Municipal Traffic	Municipal Child Safety	Total Municipal Court Costs and Fees	Total Court Costs and Fees
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (outside a School Crossing Zone)	\$40.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$78.00	\$3.00	N/A	\$3.00	\$81.00
Class C Misdemeanors: All Other Offenses (except handicapped parking violations, for which no costs or fees are applicable)	\$40.00	\$4.00	\$4.00	N/A	N/A	N/A	\$48.00	N/A	N/A	N/A	\$48.00
Class A or B Misdemeanors: Transportation Code, Title 7, Subtitle C (Rules of the Road)	\$83.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$121.00	N/A	N/A	N/A	\$121.00
Class A or B Misdemeanors: Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$83.00	\$4.00	\$4.00	N/A	\$100.00	N/A	\$191.00	N/A	N/A	N/A	\$191.00
Class A or B Misdemeanors: Penal Code, DNA Testing Offenses	\$83.00	\$4.00	\$4.00	N/A	N/A	\$50.00	\$141.00	N/A	N/A	N/A	\$141.00
Class A or B Misdemeanors: All Other Offenses	\$83.00	\$4.00	\$4.00	N/A	N/A	N/A	\$91.00	N/A	N/A	N/A	\$91.00
Felonies: Transportation Code, Title 7, Subtitle C (Rules of the Road)	\$133.00	\$4.00	\$4.00	\$30.00	N/A	N/A	\$171.00	N/A	N/A	N/A	\$171.00
Felonies: Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$133.00	\$4.00	\$4.00	N/A	\$100.00	N/A	\$241.00	N/A	N/A	N/A	\$241.00
Felonies: Penal Code, DNA Testing Offenses	\$133.00	\$4.00	\$4.00	N/A	N/A	\$250.00	\$391.00	N/A	N/A	N/A	\$391.00
Felonies: All Other Offenses	\$133.00	\$4.00	\$4.00	N/A	N/A	N/A	\$141.00	N/A	N/A	N/A	\$141.00

Note 1: Up to \$5.00 court cost for cities with population < 850,000 that have adopted appropriate ordinance, regulation, or order (optional). From \$2.00 to \$5.00 court cost for cities with population > 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Court Costs and Fees in Criminal Cases Retained by Municipality

Table 3B

Other Court Costs and Fees Imposed by Municipal, County, and District Courts

Court Cost / Fee	State Court Costs and Fees	Local Court Costs and Fees	Combined Total of Court Costs and Fees
Arrest Fee: 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. When service is performed by a peace officer employed by the state, 20 percent (\$1.00) is sent to the state.	\$1.00	\$4.00	\$5.00
Warrant Fee: For executing or processing an issued arrest warrant or capias. When service is performed by a peace officer employed by the state, 20 percent (\$10.00) is sent to the state.	\$10.00	\$40.00	\$50.00
Failure to Appear Fee: If a city or county has contracted with the Department of Public Safety (DPS) to provide information necessary for the department to deny renewal of driver's licenses, a fee is charged for (a) each complaint or citation reported to DPS under Transportation Code, Chapter 706, unless the person is acquitted of the charges for which the person failed to appear or (b) failing to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders. The fee is due when (1) the court enters judgment on the underlying offense reported to the department; (2) the underlying offense is dismissed; or (3) bond or other security is posted to reinstate the charge for which the warrant was issued.	\$20.00	\$4.00	*\$30.00
Time Payment Fee: Imposed on a person who pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution. One-half (\$12.50) is sent to the state. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10.00) is retained locally with no restrictions.	\$12.50	\$12.50	\$25.00
Judicial Fund Court Cost: Court cost on conviction of any criminal offense in statutory county courts and constitutional county courts only, including cases in which probation or deferred adjudication is granted. However, convictions arising under any law that regulates pedestrians or the parking of motor vehicles are not included.	\$15.00	N/A	\$15.00
Restitution Installment Fee: Imposed when the court requires a defendant to make restitution in specified installments under Code of Criminal Procedure, Article 42.037.	\$6.00	\$6.00	\$12.00

* \$6.00 is paid to OmniBase Services of Texas, the vendor with which DPS contracts for services related to the Failure to Appear program.

Sources: Legislative Budget Board; Office of Court Administration, *County & District Clerks – Court Costs and Fees Handbook* (Austin, Texas, October 2005).

Combined State and Local Criminal Court Costs and Fees

Table 3C

Other Court Costs and Fees Imposed by Municipal Courts

Court Cost / Fee	State Court Costs and Fees	Local Court Costs and Fees	Combined Total of Court Costs and Fees
Summoning a Witness: Fee of \$5.00 for serving a subpoena.	N/A	\$5.00	\$5.00
Summoning a Jury: Fee of \$5.00.	N/A	\$5.00	\$5.00
Service of a Summons (for a defendant or child's parents): Fee of \$35.00.	N/A	\$35.00	\$35.00
Other Costs Related to Services of Peace Officers under Code of Criminal Procedure, Art. 102.011: Actual for overtime paid for time spent testifying in the trial of a case or traveling to and from testifying in the trial of a case.	N/A	Varies	Varies
Municipal Court Building Security Fee: Imposed if governing body has passed required ordinance.	N/A	\$3.00	\$3.00
Municipal Court Technology Fee: Imposed if governing body has passed required ordinance. Not to exceed \$4.00.	N/A	\$4.00	\$4.00
Juvenile Case Manager Court Cost: Imposed if governing body has passed required ordinance. Not to exceed \$5.00.	N/A	\$5.00	\$5.00
Jury Fee: Imposed per conviction when conviction is by a jury or when a defendant requests a jury trial and withdraws the request within less than 24 hours of the time of the trial.	N/A	\$3.00	\$3.00
Administrative Fees: Imposed for dismissing certain driving charges and for requesting a driving safety course.	N/A	\$10.00	\$10.00
Teen Court Fees: Optional fee not to exceed \$10.00.	N/A	\$10.00	\$10.00
Expungement Fee: Charged for each application filed.	N/A	\$30.00	\$30.00
Driving Record Fee: Optional fee imposed for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety.	\$10.00	\$0	\$10.00
Special Expense Warrant Fee: Not to exceed \$25.00 per warrant, imposed for failure to appear or violation of promise to appear if the governing body has passed the required ordinance.	N/A	\$25.00	\$25.00

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Combined State and Local Criminal Court Costs and Fees

Table 3D

Other Court Costs and Fees Imposed by County and District Courts. (Costs and fees are collected by applicable court clerk and paid to retain locally by municipality or county, as appropriate.)

Court Cost / Fee	State Court Costs and Fees	Local Court Costs and Fees	Combined Total of Court Costs and Fees
Clerk's Fee	N/A	\$40.00	\$40.00
Records Management and Preservation Fee	N/A	\$25.00	\$25.00
Courthouse Security Fee: Misdemeanors in Municipal Court, County Court at Law, or District Court	N/A	\$3.00	\$3.00
Courthouse Security Fee: Misdemeanors in Justice Court	N/A	\$4.00	\$4.00
Courthouse Security Fee: Felonies	N/A	\$5.00	\$5.00
Fee for Services of Prosecutors: Misdemeanors and Gambling Offenses	N/A	\$25.00	\$25.00
Juvenile Delinquency Prevention Fee	N/A	\$5.00	\$5.00
Breath Alcohol Testing Court Cost	N/A	\$22.50	\$22.50
Visual Recording Fee	N/A	\$15.00	\$15.00
Cost of Evaluation Court Cost	N/A	Varies	Varies
Transaction Administrative Fee	N/A	\$2.00	\$2.00
Additional Court Cost Traffic Offenses	N/A	\$3.00	\$3.00
Jury Fee	N/A	\$20.00	\$20.00
Appealed Cases Deferred Special Expense	N/A	Not to Exceed Assessed Fine	Not to Exceed Assessed Fine
Juvenile Case Manager Court Cost: Imposed only if governing body has passed required ordinance.	N/A	\$5.00	\$5.00
Child Abuse Prevention Court Cost	N/A	\$100.00	\$100.00
Juvenile Probation Diversion Fund Court Cost: Imposed if a disposition hearing is held; collected only if the child, parent, or other person responsible for the child's support is financially able to pay it.	N/A	\$20.00	\$20.00

Sources: Legislative Budget Board; Office of Court Administration, County & District Clerks – Court Costs and Fees Handbook (Austin, Texas, October 2005).

Case Studies

To illustrate the various fees assigned to certain criminal offenses, Sunset staff performed three case studies evaluating the various costs that could be attached to three different offenses: a Class C Misdemeanor municipal ordinance violation, such as a traffic ticket; a Class A Misdemeanor driving while intoxicated (DWI) offense; and a felony DNA testing offense, such as sexual assault. The following tables represent the maximum amount of court costs and fees that could be applied to each offense. In addition, the three offenses studied are shaded in the previous tables, *Court Costs and Fees in Criminal Cases Sent to the State* and *Court Costs and Fees in Criminal Cases Retained by Municipality*. As discussed earlier, state fees are mandatory and must be assessed, but the assessment of local fees depends on the particular jurisdiction.

Case Study 1: Class C Misdemeanor Municipal Ordinance Violation

Municipal ordinances, such as violation of a parking ordinance, are generally classified as Class C Misdemeanors. A person convicted of a municipal ordinance violation could face the following fees, in addition to the fine for the offense itself. Including the Consolidated Court Cost and other state fees, local jurisdictions can add fees to defray the cost of the services of the peace officer, as well as fees to provide local technology. The chart, *Class C Misdemeanor Municipal Ordinance Violation Fees*, details the type and amount of fees that could be assessed for this type of violation. The court costs and fees for a Class C Misdemeanor municipal ordinance violation would be at least \$48, and could possibly be up to \$63.

Class C Misdemeanor Municipal Ordinance Violation Fees

Date Added	Fee	State/Local	Amount
2005	Judicial Support Fee	State	\$4.00
2005	Jury Reimbursement Fee	State	\$4.00
2004	Jury Fee	Local	\$3.00
2004	Fee for Services of Peace Officers	State/Local ⁴	\$5.00
2003	Juvenile Crime and Delinquency Program at Prairie View A&M University*	State	\$0.49
2003	Comprehensive Rehabilitation*	State	\$2.13
2001	Fair Defense*	State	\$2.41
2001	Correctional Management Institute at Sam Houston State University*	State	\$0.48
1999	Municipal Court Technology Fee	Local	\$4.00
1997	TDCJ Fugitive Apprehension*	State	\$4.84
1995	Law Enforcement Officers Standards and Education*	State	\$2.00
1993	Municipal Court Building Security Fee	Local	\$3.00
1991	DPS Breath Alcohol Testing*	State	\$0.22
1989	Crime Stoppers Assistance*	State	\$0.10
1987	Judicial and Court Personnel Training*	State	\$1.93
1987	Operator's and Chauffeur's License Fund*	State	\$4.46
1987	Law Enforcement Management Institute at Sam Houston State University*	State	\$0.87
1979	Crime Victims' Compensation Fund*	State	\$15.05
1971	State Criminal Justice Planning*	State	\$5.02
Total Fees Assessed			\$63.00

*Part of the Consolidated Court Cost, discussed further in Attachment A.⁵

Case Study 2: Class A Misdemeanor Driving While Intoxicated Offense

A person convicted of a Class A Misdemeanor offense of driving while intoxicated could face the following fees. The total state court costs and fees would be \$191. In addition, the offender faces additional fees upon conviction, such as the Judicial Fund Court Cost and the breath alcohol testing fee. If the offender requests a jury trial, more fees could be added, totaling \$346.50, detailed in the chart, *Class A Misdemeanor Driving While Intoxicated Fees*. Finally, if this is the second DWI offense, the offender must pay an annual \$1,500 surcharge for a driver's license under the Driver's Responsibility Program for three years, totaling \$4,500. Therefore, for a second Class A Misdemeanor DWI offense, an offender could face more than \$4,800 in court costs and fees.

Class A Misdemeanor Driving While Intoxicated Fees

Date Added	Fee	State/Local	Amount
2005	Jury Reimbursement Fee	State	\$4.00
2005	Clerk's Fee	Local	\$40.00
2005	Judicial Support Fee	State	\$4.00
2005	Records Management and Preservation Services	Local	\$25.00
2004	Jury Fee	Local	\$20.00
2004	Fee for Services of Peace Officers	State/Local	\$5.00
2003	Juvenile Crime and Delinquency Program at Prairie View A&M University*	State	\$1.00
2003	Judicial and Court Personnel Training*	State	\$4.01
2003	Comprehensive Rehabilitation*	State	\$4.42
2003	EMS Trauma Fund	State	\$100.00
2001	Fair Defense*	State	\$4.99
2001	Correctional Management Institute at Sam Houston State University*	State	\$1.00
1997	TDCJ Fugitive Apprehension*	State	\$10.04
1997	Breath Alcohol Testing Court Cost	Local	\$22.50
1995	Law Enforcement Officers Standards and Education*	State	\$4.15
1995	Electronic Visual Recording Fee	Local	\$15.00
1993	Courthouse Security Fee	Local	\$3.00
1991	Breath Alcohol Testing*	State	\$0.46
1989	Abused Children's Counseling*	State	\$0.01
1989	Crime Stoppers Assistance*	State	\$0.21
1987	Law Enforcement Management Institute at Sam Houston State University*	State	\$1.80
1987	Operator's and Chauffeur's License Fund*	State	\$9.25
1985	Fee for Services of Prosecutors	Local	\$25.00
1979	Crime Victims' Compensation Fund*	State	\$31.24
1971	Criminal Justice Planning*	State	\$10.42
Total Fees Assessed			\$346.50

*Part of the Consolidated Court Cost, discussed further in Attachment A.

Case Study 3: DNA Felony Offense

A person convicted of a felony offense requiring DNA testing, such as sexual assault, would face the following state court costs and fees, totaling \$391, and could face additional fees, increasing the total to \$486. Felony offenses pay higher Consolidated Court Costs. For example, misdemeanor offenses pay \$15-30 to the Crime Victims' Compensation Fund, while felony offenses pay \$50. Finally, certain offenses necessitating comprehensive DNA testing face a \$250 state DNA testing fee. The chart, *Felony DNA Testing Offense Fees*, details the various fees that could be applied to this offense.

Felony DNA Testing Offense Fees

Date Added	Fee	State/Local	Amount
2005	Clerk's Fee	Local	\$40.00
2005	Records Management and Preservation Services	Local	\$25.00
2005	Courthouse Security Fee	Local	\$5.00
2005	Jury Reimbursement Fee	State	\$4.00
2005	Judicial Support Fee	State	\$4.00
2004	Fee for Services of Peace Officers	State/Local	\$5.00
2004	Jury Fee	Local	\$20.00
2003	Juvenile Crime and Delinquency Program at Prairie View A&M University*	State	\$1.62
2003	Judicial and Court Personnel Training*	State	\$6.43
2003	Comprehensive Rehabilitation*	State	\$7.08
2001	DNA Testing Fee	State	\$250.00
2001	Fair Defense*	State	\$8.00
2001	Correctional Management Institute at Sam Houston State University*	State	\$1.61
1997	TDCJ Fugitive Apprehension*	State	\$16.08
1995	Law Enforcement Officers Standards and Education*	State	\$6.65
1991	Breath Alcohol Testing*	State	\$0.73
1989	Abused Children's Counseling*	State	\$0.01
1989	Crime Stoppers Assistance*	State	\$0.34
1987	Law Enforcement Management Institute at Sam Houston State University*	State	\$2.88
1987	Operator's and Chauffeur's License Fund*	State	\$14.82
1979	Crime Victims' Compensation Fund*	State	\$50.05
1971	Criminal Justice Planning*	State	\$16.70
Total Fees Assessed			\$486.00

*Part of the Consolidated Court Cost, discussed further in Attachment A.

¹ Texas House Bill 1116, 79th Legislature (2005), Article 6.

² In 2002, SAO issued an audit report on funds collected as court costs, concluding that certain grantees, contractors, and award recipients that received court costs and fees from the Governor's Office, the Office of the Attorney General, and the Children's Trust Fund of Texas Council may not have always spent funds for the intended purposes. In addition, the report found that six court costs and fees do not have a specific purpose directing expenditure of funds. In 2005, OCA estimated that \$397 million annually in court costs, fees, and fines is uncollected by local court jurisdictions for criminal offense convictions, \$99 million of which would go to the state. State Auditor's Office, *Funds Collected as Court Costs* (Austin, Texas, 2002), p. 1.

³ Texas Senate Bill 1863, 79th Legislature (2005).

⁴ When service is performed by a peace officer employed by the State, 20 percent (\$1.00) is sent to the State, and the remainder retained locally.

⁵ Fourteen different state criminal court costs and fees comprise the Consolidated Court Cost. The Consolidated Court Cost is a group of fees that requires the Comptroller to deposit certain percentages of the monies received for each fee in specific accounts. Attachment A details the fees that comprise the Consolidated Court Cost, their purpose, and who administers the funds or accounts relating to each fee.



Attachment A

Consolidated Court Cost¹

Fee	Purpose	Administrator
Abused Children's Counseling	To provide counseling services to abused children.	General Revenue Fund
Breath Alcohol Testing	To implement, administer, and maintain the statewide certified breath alcohol testing program.	Department of Public Safety
Comprehensive Rehabilitation	To provide rehabilitation services to eligible individuals.	Department of Assistive and Rehabilitative Services
Correctional Management Institute	To establish and operate the Correctional Management Institute of Texas and Criminal Justice Center Account.	Sam Houston State University
Crime Stoppers Assistance	To fund crime stoppers organizations and operate a toll-free number for citizens in areas of the state not covered by crime stoppers organizations to report information about criminal acts.	Governor's Office, Criminal Justice Division
Crime Victims Compensation Fund	To reimburse out-of-pocket expenses to victims of violent crime and their families, operate the Crime Victim Institute, and fund victim-related services and assistance.	Office of the Attorney General
Criminal Justice Planning	To fund state and local criminal justice projects, and for costs of administering funds for the projects.	Governor's Office, Criminal Justice Division
Fair Defense	To help provide legal representation and other defense services to indigent defendants.	Task Force on Indigent Defense
Fugitive Apprehension	To apprehend and incarcerate certain individuals.	Department of Public Safety
Judicial and Court Personnel Training	To provide continuing legal education of judges and court personnel.	Court of Criminal Appeals
Juvenile Crime and Delinquency	To the establishment and operation of the Center for Study and Prevention of Juvenile Crime and Delinquency.	Prairie View A&M University
Law Enforcement Officers Administrative and Continuing Education	To train police management personnel.	Bill Blackwood Law Enforcement Institute of Texas
Law Enforcement Officers Administrative and Continuing Education	To fund Commission administrative expenses and train law enforcement personnel.	Commission on Law Enforcement Standards and Education
Operator's and Chauffeur's License	To defray expenses of administering the Safety Responsibility Law.	Department of Public Safety

¹ Office of Court Administration, *County and District Clerks – Court Costs and Fees Handbook* (Austin, Texas, October 2005), pp. 1-2.

