

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

March 19, 2003

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
SENATE BILL 482

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 13, after "WARRANTS" insert "; CREATING FUNDS".

2. On page 1, line 18, after "FEE" insert "--METROPOLITAN COURT ARREST FEE FUND".

3. On page 1, line 19, before "When" insert the subsection designation "A. ".

4. On page 2, line 2, after "to" insert "the governing body of".

5. On page 2, line 4, strike the closing quotation mark.

6. On page 2, between lines 4 and 5, insert the following new subsections to read:

"B. The arraigning judge shall waive the arrest fee authorized pursuant to Subsection A of this section if:

(1) the defendant cannot post the warrant fee because of indigency; or

(2) the arrest was incidental to a traffic stop.

C. The "metropolitan court arrest fee fund" is created in the state treasury. The fund shall be administered by the metropolitan court. The arraigning judge in the metropolitan court shall assess a law enforcement arrest fee of one hundred dollars (\$100). Money collected pursuant to the arrest fee shall be deposited in the metropolitan court arrest fee fund. All balances in the metropolitan court arrest fee fund are appropriated to the metropolitan court for the purpose of paying law enforcement agencies for the expense of arrests. Payments from the metropolitan court arrest fee fund shall be made upon warrants drawn by the

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secretary of finance and administration pursuant to vouchers issued and signed by the presiding judge of the metropolitan court. Any unexpended or unencumbered balance remaining in the metropolitan court arrest fee fund at the end of a fiscal year shall not revert to the general fund."".

7. On page 2, line 7, after "FEE" insert "--MAGISTRATE COURT ARREST FEE FUND".

8. On page 2, line 8, before "When" insert the subsection designation "A. ".

9. On page 2, line 16, after "to" insert "the governing body of".

10. On page 2, line 18, strike the closing quotation mark.

11. On page 2, after line 18, insert the following new subsections to read:

"B. The arraigning judge shall waive the arrest fee authorized pursuant to Subsection A of this section if:

(1) the defendant cannot post the warrant fee because of indigency; or

(2) the arrest was incidental to a traffic stop.

C. The "magistrate court arrest fee fund" is created in the state treasury. The fund shall be administered by the administrative office of the courts. The arraigning judge in the magistrate court shall assess a law enforcement arrest fee of one hundred dollars (\$100). Money collected pursuant to the arrest fee shall be deposited in the magistrate court arrest fee fund. All balances in the magistrate court arrest fee fund are appropriated to the administrative office of the courts for the purpose of paying law enforcement agencies for the expense of arrests. Payments from the magistrate court arrest fee fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers issued and signed by the director of the administrative office of the courts. Any unexpended or unencumbered balance remaining in the magistrate court arrest fee fund at the end of a fiscal year shall not revert to the general fund."".

thence referred to the **APPROPRIATIONS AND FINANCE**

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COMMITTEE.

Respectfully submitted,

W. Ken Martinez, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Cervantes, Foley, Garcia, Godbey, Stewart

Absent: None

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