

Justice Court Convictions Court Cost Chart – 09/01/2019		A	B	C	D	E	F	G	H	I
Always Charge Costs Nos. 1 thru 10 upon conviction (including deferred disposition).										
1	Consolidated Court Cost – Local Government Code § 133.102(a)	40	40	40	40	40	40	40	0	0
2	State Traffic Fine – Transportation Code § 542.4031	50	50	0	0	0	0	0	50	0
3	Parent Contributing to Non-Attendance Fee – Code of Criminal Procedure art. 102.014(d)	0	0	20	0	0	0	0	0	0
4	Judicial Support Fee – Local Government Code § 133.105(a)	6	6	6	6	6	6	6	0	0
5	Justice Court Technology Fee – Code of Criminal Procedure art. 102.0173	4	4	4	4	4	4	4	4	4
6	Court Security Fee – Code of Criminal Procedure art. 102.017(b)	4	4	4	4	4	4	4	4	4
7	Additional Court Cost – Transportation Code, § 542.403	3	3	0	0	0	0	0	3	0
8	Indigent Defense Fee – Local Government Code § 133.107	2	2	2	2	2	2	2	0	0
9	Truancy Prevention Cost – Code of Criminal Procedure art. 102.015	2	2	2	2	2	2	2	0	0
10	TCOLE Court Cost – Code of Criminal Procedure art. 102.022	0.10	0	0	0.10	0.10	0	0	0	0
TOTAL COSTS ALWAYS CHARGED UPON CONVICTION (INCLUDING DEFERRED DISPOSITION)		111.10	111	78	58.10	58.10	58	58	61	8
Costs Nos. 11 thru 22 are charged upon conviction (including deferred disposition) if the applicable service was performed by a peace officer.										
11	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine – Code of Criminal Procedure art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50
12	Serve Writ – Code of Criminal Procedure art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35
13	Take and Approve Bond – Code of Criminal Procedure art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10
14	Convey Witness (charge per day) – Code of Criminal Procedure art. 102.011(c)	10	10	10	10	10	10	10	10	10
15	Arrest without Warrant or Issue Written Notice to Appear – Code of Criminal Procedure art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5
16	Summon Witness (charge per witness each time summoned) – Code of Criminal Procedure art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5
17	Commitment to Jail – Code of Criminal Procedure art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5
18	Release from Jail – Code of Criminal Procedure art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5
19	Summon Jury – Code of Criminal Procedure art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5
20	Mileage fees for certain Conveyances and Travel (29¢/mile) – Code of Criminal Procedure art. 102.011(b)	X	X	X	X	X	X	X	X	X
21	Meals and Lodging Expenses for certain Conveyances and Travel – Code of Criminal Procedure art. 102.011(b)	X	X	X	X	X	X	X	X	X
22	Overtime Costs for Testifying at Trial – Code of Criminal Procedure art. 102.011(i)	X	X	X	X	X	X	X	X	X
23	Administrative Fee (Omni Fee- Failure to Appear) – Transportation Code § 706.006(a) Charged upon judgment if: (1) a person failed to appear in response to a complaint or citation; (2) the case was disposed in a county that has a contract with DPS under Transportation Code § 706.002(a); and (3) the court did not make a finding that the person is indigent. See NOTE under (29) below.	30	30	30	30	30	30	30	30	30
24	Dishonored Check Fee – Code of Criminal Procedure art. 102.0071 Charged upon conviction if the court elected to impose the fee. The statute does not indicate that “conviction” includes deferred disposition.	0	0	0	0	0	≤ 30	0	0	0
25	Restitution Installment Fee – Code of Criminal Procedure art. 42.037(g) Charged upon conviction if the court ordered installment payments. The statute does not indicate that “conviction” includes deferred disposition.	12	12	12	12	12	12	12	12	12
26	Juvenile Case Manager Court Cost – Code of Criminal Procedure art. 102.0174(c) Charged upon conviction (including deferred disposition) if: (1) the county commissioners court has created a juvenile case manager fund; (2) the county commissioners court requires the defendant to pay the cost; (3) the County employs a juvenile case manager; and (4) the court did not waive the fee (which it is authorized to do in cases of financial hardship).	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5
27	Juror Reimbursement Fee – Code of Criminal Procedure art. 102.0045 Charged upon conviction. The statute does not indicate that “conviction” includes deferred disposition. This fee applies whether or not there was a jury trial.	4	4	4	4	4	4	4	0	0
28	Jury Fee – Code of Criminal Procedure art. 102.004 Charged only upon conviction by jury.	3	3	3	3	3	3	3	3	3

NOTE: When “X” appears on the chart this indicates that the amount must be calculated as provided in the statute.

The following costs are charged upon conviction in appropriate circumstances:

- (29) Administrative Fee (Failure to Pay) – Transportation Code § 706.006(b) -- \$30.00
This fee is required if a person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders, but only if the court does not make a finding that the person is indigent.
NOTE: A person is presumed to be indigent if the person: (1) is required to attend school full time under Section [25.085](#), Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter [31](#), Human Resources Code; (B) the medical assistance program under Chapter [32](#), Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter [33](#), Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter [62](#), Health and Safety Code. See Transportation Code § 706.006(d).
- (30) Time Payment Fee – Local Government Code § 133.103 -- \$25.00
This fee is required whenever a person convicted of an offense pays any part of a fine, court costs, or restitution on or after the 31st day after judgment entered assessing the fine, court costs, or restitution.” For this fee, “convicted” includes deferred disposition.
- (31) Driving Record Fee – Code of Criminal Procedure art. 45.0511(c-1) -- \$12.00
This fee is required whenever the court requests DPS to provide the court with a copy of the defendant’s driving record.
- (32) Driving Safety Course Administrative Fee – Code of Criminal Procedure art. 45.0511(f)(1) -- not to exceed \$10.00
This optional fee may be imposed by the Court upon a defendant’s request to take a driving safety course.
- (33) Transaction Fee – Code of Criminal Procedure art. 102.072 – not to exceed \$2.00
This optional fee may be charged on each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.
- (34) Driving Safety Course Special Request Fee – Code of Criminal Procedure art. 45.0511(f)(2) -- an amount not more than the maximum fine amount
This optional fee may be imposed by the Court upon a defendant’s request to take a driving safety course pursuant to Subsection (d) of the statute. The request is a “special” request because certain requirements entitling the defendant to take a driving safety course have not been satisfied.
- (35) Special Expense Fee – Code of Criminal Procedure art. 45.051(a) -- an amount not to exceed the amount of the fine that could be imposed.
This fee may be imposed by the Court when placing a defendant on deferred disposition.
- (36) Compliance Dismissal Fee – Expired Inspection Sticker – Transportation Code § 548.605(e) -- not to exceed \$20.00
The defendant must pay this fee if the Court dismisses the complaint or citation upon the defendant remedying the defect.
- (37) Administrative Fee (Dismissal Based on Affirmative Defense) – Transportation Code § 522.011 -- not to exceed \$10.00
This optional fee may be imposed if the Court dismisses the complaint or citation upon the defendant producing in court a commercial driver’s license or permit that was issued to the defendant and valid at the time of the offense.
- (38) Scofflaw Fee (Failure to Appear or Pay) – Transportation Code, §502.010(a)(1) -- \$20.00 (*refusal to register vehicle*)
This fee may be charged if a vehicle owner: (1) fails to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner; or (2) owes the county money for a fine, fee, or tax that is past due, but only if the county has a contract with the Texas Department of Motor Vehicles (TDMV). Information provided to TDMV that concerns the past due fine or fee in a criminal case expires two years after it is received, so do not charge this fee more than two years in a row when the refusal to register is based on the owner’s failure to pay a past due fine or fee in a criminal case, even if the amount owed remains unpaid. Also, there are limits on when subsequent information about other overdue fines or fees can be used to refuse an owner’s vehicle registration while or after that owner’s registration has been refused under this section. See § 502.010(b-1) for those limits. Do not charge this fee if the court finds that the defendant is economically unable to pay the fee or good cause exists to waive the fee. Finally, if the court having jurisdiction over the underlying offense provides notice to the county assessor-collector that the court has waived the past due fine or this fee due to the defendant’s indigence, the county may not charge this fee. See § 502.010(j).

(39) Administrative Fee (Failure to Appear) – Transportation Code § 706.006(a) -- \$30.00

This fee is required if a person fails to appear (FTA) for a citation or complaint reported to DPS, unless: (1) the person is acquitted of the charge for which the person failed to appear; (2) the underlying charge is dismissed with prejudice for lack of evidence; (3) the FTA was reported in error; or (4) the underlying case is closed and the FTA report has been destroyed pursuant to a record retention policy. The fee must be paid when: (1) the court enters judgment on the underlying charge (UC); (2) the UC is dismissed; or (3) bond or other security is posted to reinstate the UC on the court's docket. Do not charge this fee if the county does not have a contract with DPS under Transportation Code, § 706.002(a). Also, if the court with jurisdiction over the UC makes a finding that the defendant is indigent, the defendant does not have to pay the fee. A defendant is presumed to be indigent if the defendant: (1) is required to attend school full time under Section [25.085](#), Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter [31](#), Human Resources Code; (B) the medical assistance program under Chapter [32](#), Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter [33](#), Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter [62](#), Health and Safety Code. See Transportation Code § 706.006(d). The County must have a contract with DPS under §706.002, Transportation Code, in order to charge this fee.

(40) Court Cost in Truancy Court – Family Code § 65.107-- \$50.00

The court must impose a \$50.00 court cost if the court finds that the child, parent, or person responsible for the child's support is financially able to pay the cost. Also, the clerk may not charge the state for filing the petition. See Family Code § 65.054(e).

Detailed Description of Offenses in each Misdemeanor Category

- A Rules of the Road Offense¹ (other than a Parking or Pedestrian Offense) that is a moving violation²
- B Rules of the Road Offense (other than a Parking or Pedestrian Offense) that is not a moving violation
- C Parent Contributing to Non-attendance offense (Education Code, § 25.093)
- D Disobeying Warning Signs or Driving Around a Barricade (Transportation Code, § 472.022)
- E General fine-only misdemeanor offense³ that is a moving violation
- F (1) Issuance of Bad Check (Penal Code, § 32.41); or (2) Theft (Penal Code, § 31.03) or Theft of Service (Penal Code, § 31.04) where theft was accomplished by issuing or passing a bad check
- G General fine-only misdemeanor offense that is not a moving violation
- H Parking or Pedestrian Offense that is a Rules of the Road Offense
- I Parking or Pedestrian Offense that is not a Rules of the Road Offense

¹ A rules-of-the-road offense is any offense found in Transportation Code, Chapters 541 – 600.

² The list of offenses considered to be moving violations can be found in 37 Tex. Admin. Code § 15.89(b) and is available online at <http://texreg.sos.state.tx.us/fids/201403910-1.html>.

³ A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A - D, F, and H - I.

Court Cost and Fee Destinations

- (1) Generally, 90% to the State and 10% to the County as a collection fee to be deposited in the County General Fund. However, a county may be able to retain an additional \$22.50 if the county maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by DPS and the conviction was an offense under Chapter 49, Penal Code, other than an offense that is a Class C misdemeanor (See Art. 102.016(b), CCP). The State money goes to 12 destinations as follows: ~~(1) abused children's counseling [0.0088%];~~ (2) crime stoppers assistance [0.2581%]; (3) breath alcohol testing [0.5507%]; (4) Bill Blackwood Law Enforcement Management Institute [2.1683%]; (5) law enforcement officers standards and education [5.0034%]; ~~(6) comprehensive rehabilitation [0.8218%];~~ (7) law enforcement and custodial officer supplemental retirement fund [11.1426%]; (8) criminal justice planning [12.5537%]; (9) Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University [1.2090%]; (10) compensation to victims of crime fund [37.6338%]; (11) emergency radio infrastructure account [5.5904%]; (12) judicial and court personnel training fund [4.8362%]; (13) Correctional Management Institute of Texas and Criminal Justice Center Account [1.2090%]; and (14) fair defense account [~~8.0143~~17.8448%]. If a county is entitled to retain the additional \$22.50, it must be used to defray the costs of maintaining and supporting a certified breath alcohol testing program.
- (2) ~~5%~~ 4% to the County as a service fee for collection and 96% to the State. The money is directed to the State as follows: (1) 70% ~~67%~~ to the credit of the undedicated portion of the General Revenue Fund; and (2) 30% ~~33%~~ to the credit of the designated trauma and emergency medical services account under Section 780.003, Health & Safety Code.
- (3) 100% to the County.
- (4) \$0.60 goes to the County General Fund "to promote the efficient operation of the . . . county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts." \$5.40 goes to the State Judicial Fund for court-related purposes for support of the judicial branch of the State, for child support and court management as provided by § 21.007, Government Code, and for basic civil legal services to the indigent as provided by § 51.943, Government Code.
- (5) 100% of the money stays with the County and is to be deposited in the "Justice Court Technology Fund."
- (6) 100% of the money stays with the County. Generally, the money is deposited in the "Courthouse Security Fund." An exception exists if the County has one or more justice courts located in a building (or buildings) other than the county courthouse. In such a situation, ¼ of the money is to be deposited into the "Justice Court Building Security Fund." The remaining ¾ of the money is to be deposited into the Courthouse Security Fund.
- (7) 100% of the money stays with the County.
- (8) 90% to the State "Fair Defense Account" to fund indigent defense; 10% goes to the County as a collection fee.
- (9) Generally, 100% of the money goes to the State for deposit to the credit of a dedicated account in the General Revenue Fund known as the "Truancy Prevention and Diversion Fund." An exception exists in those counties that have established (or are attempting to establish) a juvenile case manager program. These counties have the option of retaining 50% of the money. The other 50% of the money would be directed to the State's Truancy and Prevention Fund." The money retained by the County is to be used to operate or establish a juvenile case manager program.
- (10) 90% of the money goes to the State and is deposited to the credit of the "Civil Justice Data Repository Fund" in the State's General Revenue Fund.
- (11) The money is directed to: (1) the law enforcement agency that executed the arrest warrant, capias, or capias pro fine, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant, capias, or capias pro fine, the imposition of the fee on conviction; or (2) the law enforcement agency that processed the arrest warrant, capias, or capias pro fine, if: (a) the arrest warrant, capias, or capias pro fine was not executed; or (b) the executing law enforcement agency failed to timely request the fee.
- (12) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (13) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (14) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (15) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.

- (16) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (17) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (18) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (19) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (20) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (21) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (22) Generally, 100% of the money stays with the County. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the County keeps 80% of the fee. The other 20% goes to the State General Revenue Fund.
- (23) \$20 is directed to the State while \$10 is retained by the County. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State's General Fund. There is no stated purpose for this \$10 amount. Of the \$10 retained by the County, it should be deposited in the general fund. There is no stated purpose for its use. See Transp. Code § 706.007.
- (24) The fee is to be paid to the holder of the dishonored check.
- (25) 50% of the money (\$6.00) goes to the State's Compensation to Victims of Crime Fund. The other 50% of the money (\$6.00) is to be retained by the court "for costs incurred in collecting the specified installments."
- (26) 100% of the money stays with the County and is directed to the County's Juvenile Case Manager Fund.
- (27) 90% to the State Jury Service Fund to reimburse counties for juror costs; 10% as a collection fee to the County.
- (28) 100% of the money stays with the County.
- (29) \$20 is directed to the State while \$10 is retained by the County. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State's General Fund. There is no stated purpose for this \$10 amount. Of the \$10 retained by the County, it should be deposited in the general fund. There is no stated purpose for its use. See Transp. Code § 706.007(d).
- (30) 50% of the money (\$12.50) is sent to the State and the other 50% (\$12.50) is retained by the County. The money directed to the State is to be deposited in the State's General Fund. As for the 50% of the money retained by the County, 80% (\$10.00) goes to the County for unspecified purposes. The remaining 20% (\$2.50) is to be used "for the purpose of improving the efficiency of the administration of justice in the county." The County is required to "prioritize the needs of the judicial officer who collected the fees when making expenditures . . . and use the money deposited to provide for those needs."
- (31) \$10 goes to the State and is to be credited to the Department of Public Safety (DPS). The other \$2 also goes to the DPS and is specially designated to be used to support the "State Electronic Internet Portal" project.
- (32) 100% of the money stays with the County.
- (33) 100% of the money stays with the County.
- (34) 100% of the money stays with the County.
- (35) 100% of the money stays with the County.

- (36) 100% of the money stays with the County.
- (37) 100% of the money stays with the County.
- (38) 100% of the money stays with the County. The fee may be used only to reimburse TDMV or the county tax assessor-collector for expenses related to providing services under the contract, or another county department for expenses related to services under the contract.
- (39) \$20 is directed to the State while \$10 is retained by the County. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State's General Fund. There is no stated purpose for this \$10 amount. Of the \$10 retained by the County, it should be deposited in the general fund. There is no stated purpose for its use. See Transp. Code § 706.007(d).
- (40) 100% of the money stays with the County, but it must be deposited in a special account that can be used only to offset the cost of operating the truancy court.

CONSTITUTIONAL CHALLENGES TO COURT COST AND FEE DESTINATIONS (This is not an exhaustive list. There could be other cases.)

□ New Test Used to Establish the Constitutionality of a Criminal Court Cost or Fee

In *Peraza v. State*, 467 S.W.3d 508 (Tex. Crim. App. 2015), the CCA established a new test for determining the constitutionality of a criminal court cost. In *Peraza*, CCA said a cost is constitutional if the statute creating the cost directs the cost to be expended for criminal justice purposes. *Id.* at 517. CCA defined a “criminal justice purpose” to be “one that relates to the administration of our criminal justice system.” *Id.* The Court later used this test to find allocations of funds from the consolidated court cost to the abused children’s counseling and comprehensive rehabilitation accounts facially unconstitutional as a violation of the Separation of Powers Clause. See *Salinas v. State*, 523 S.W.3d 103, 106 (Tex. Crim. App. 2017). Following the Court’s decision in *Salinas*, the Legislature subsequently amended the relevant statute (LGC § 133.102) to fix the constitutional infirmity. Consequently, courts can still assess the consolidated court cost.

□ Other Constitutional Challenges to Criminal Court Costs and Fees – *If your court is in the jurisdiction of a court of appeals that has issued an opinion on the issue, this opinion may be binding on your court. You should discuss the matter with the attorney for your county. Also, you should check with your attorney to see whether an opinion is final.*

Peace Officer Fee – Summoning a Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)

The First Court of Appeals declared this fee facially unconstitutional. *Allen v. State*, No. 01-16-00768-CR, 2017 Tex. App. LEXIS 11015 (Tex. App.—Houston [1st Dist.] Aug. 30, 2018)

Peace Officer Fee - Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)

The First Court of Appeals declared this fee facially unconstitutional. *Allen v. State*, No. 01-16-00768-CR, 2017 Tex. App. LEXIS 11015 (Tex. App.—Houston [1st Dist.] Nov. 28, 2017, no pet. h.) (motion for en banc reconsideration pending)

Prosecutor’s Fee - CCP, art. 102.008(a)

The First Court of Appeals declared this fee facially unconstitutional. *Hernandez v. State*, No. 01-16-00755-CR, 2017 Tex. App. LEXIS 7612 (Tex. App.—Houston [1st Dist.] August 10, 2017, no pet. h.) (motion for rehearing pending)

Jury Fee - CCP, art. 102.004(a)

The First Court of Appeals declared this fee facially unconstitutional. *Johnson v. State*, No. 14-16-00658-CR, 2018 Tex. App. LEXIS 2136 (Tex. App. Tex. App.—Houston [14th Dist.] March 27, 2018, no pet. h.)

EMS Trauma Cost - CCP, art. 102.0185

The Second and Sixth Courts of Appeals declared this fee facially unconstitutional. *Casas v. State*, 524 S.W.3d 921 (Tex. App.—Fort Worth 2017); *Robison v. State*, No. 06-17-00082-CR, 2017 Tex. App. LEXIS 9713 (Tex. App.—Texarkana [6th Dist.] October 10, 2017)

WAIVER OF PAYMENT OPTION (Art. 43.091, CCP)

- **Courts may waive all or part of a fine or costs and must no longer wait for a defendant to default.** A court may waive payment of all or part of a fine or costs imposed by law if the court determines that: (1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child; and (2) each alternative method of discharging the fine or cost would impose an undue hardship on the defendant.