



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

January 9, 1968

Miss Edna Cisneros
County Attorney
Willacy County
Courthouse
Raymondville, Texas

Opinion No. M-184

Re: Fees to be collected in
Felony and Misdemeanor
Cases

Dear Miss Cisneros:

Your request for an opinion poses the following questions:

1. What fees are peace officers entitled to collect in misdemeanor cases and felony cases?
2. What fees is the District Clerk entitled to collect in felony cases?

Fees allowed the sheriff and other peace officers in misdemeanor cases are governed by the provisions of Article 53.01, Vernon's Code of Criminal Procedure. Attorney General's Opinions No. C-605 (1966), C-688 (1966), C-596 (1966) and C-542 (1965). Article 1029, Vernon's Code of Criminal Procedure, applicable to Willacy County, prescribes the fees allowed the sheriff and constables in felony cases and Article 1064, Vernon's Code of Criminal Procedure, as amended by House Bill No. 79 (Acts 60th Leg., 1967, ch. 743, p. 2010), prescribes the fees allowed District and County Clerks in criminal cases. Attorney General's Opinion No. M-168 (1967).

It was held in Attorney General's Opinion No. M-168 that House Bill No. 79 (Acts 60th Leg., 1967, ch. 743, p. 2010) merely changed the amount of fees payable to District and County Clerks in criminal cases and re-affirmed Attorney General's Opinion No. WW-820 (1960).

You are, therefore, advised in answer to your first question that fees to be collected by peace officers in misdemeanor cases are governed by the provisions of Article 53.01, Vernon's Code of Criminal Procedure, and fees in felony cases are those prescribed in Article 1029, Vernon's Code of Criminal Procedure. In answer to your second question, you are advised that fees allowed the District Clerk are those fees set out in Article 1064, Vernon's Code of Criminal Procedure.

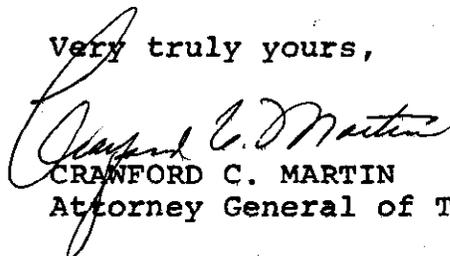
Miss Edna Cisneros, page 2, (M-184)

We are enclosing with this opinion Attorney General's Opinions No. WW-820 (1960), C-542 (1965), C-596 (1966), C-605 (1966), C-688 (1966) and M-168 (1967).

S U M M A R Y

Fees to be collected by peace officers in misdemeanor cases are governed by the provisions of Article 53.01, Vernon's Code of Criminal Procedure, and fees in felony cases are those prescribed in Article 1029, Vernon's Code of Criminal Procedure. Fees allowed the District Clerk are those fees set out in Article 1064, Vernon's Code of Criminal Procedure.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John Reeves
Assistant Attorney General

APPROVED:
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