



# The Attorney General of Texas

October 8, 1980

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Honorable Henry Wade  
District Attorney  
Dallas Government Center  
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Opinion No. MW-249

Re: Authority of a justice of the  
peace to charge a fee for filing a  
peace bond complaint

Dear Mr. Wade:

You have requested our opinion regarding the authority of a justice of the peace to charge a fee for filing a peace bond complaint. Chapter 7 of the Code of Criminal Procedure describes the procedure for the issuance of a peace bond. Article 7.10 provides that, if the defendant is discharged, the magistrate:

may, in his discretion, tax the cost of the proceeding  
against the party making the complaint.

Likewise, under article 7.14, if the accused is required to give bond:

the costs of the proceedings shall be adjudged against  
him.

Although article 3935, V.T.C.S., authorizes a fee of \$7.00 for the filing of a complaint and other instruments in a justice court, this statute is limited to civil cases. We are aware of no other statute which would permit a fee to be charged in connection with the filing of a peace bond. It is therefore our opinion that a justice of the peace is not authorized to charge a fee for filing a peace bond complaint.

## S U M M A R Y

A justice of the peace is not authorized to charge  
a fee for filing a peace bond complaint.

Very truly yours,

MARK WHITE  
Attorney General of Texas

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**APPROVED:**  
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