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OPINION COMMITTEE



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RQ-0314-KP
FILE # ML-48653-19
I.D. # 48653

November 19, 2019

Honorable Ken Paxton
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711

CERTIFIED MAIL RETURN RECEIPT REQ.

RE: Request for Opinion/Interpretation
Applicability and Effective date:
Texas Government Code Subchapter C. Local Criminal Fees

Responsible Persons:

I am writing on behalf of the Navarero County Criminal District Attorney's Office, hereinafter referred to as "CDA" to request that your office provide an opinion or assistance in interpretation of portions of the Local Government Code related to the effectiveness of Local Criminal Fees.

Local Govt. Code Section 134.101 provides that effective January 1, 2020 a person convicted of a felony shall pay \$ 105.00 as a court costs, in addition to all other costs.

Local Govt. Code Section 134.052 appears to tie the effectiveness (on and after Jan. 1, 2020) to the date of commission of the offense rather than the date of conviction.

Government Code Section 51.607 (c) provides that the imposition or change in fees does not take effect until the next January 1st, after the law takes effect.

The first issue concerns whether or not the new fees are applicable based on the date of conviction or the offense date. Section 134.101 seems to tie the imposition of the new cost to the conviction. It appears that Section 134.052

confuses the issue since it specifically refers to the date the offense is committed being on and after January 1, 2020.

The second issue concerns the effect of Government Code Sec. 51.607 (c). Are the local criminal fees effective on January 1, 2020 or through the application of Govt. Code 51.607 (c) is the effectiveness delayed until January 1, 2021.

The CDA requests that your office review the statutes and provide an opinion or an interpretation of the questions presented.

Respectfully Submitted,



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