

By: Orr

H.B. No. 3403

A BILL TO BE ENTITLED

AN ACT

relating to court administration and costs; increasing certain court costs; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall transmit the file for the proceeding in accordance with the procedures provided by Section 33.105 ~~[make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form]~~ to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION 2. Section 33.102(a), Estates Code, is amended to read as follows:

(a) If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the

1 proper county by transmitting the file for the proceeding in
2 accordance with the procedures provided by Section 33.105 to the
3 proper court in that county [~~in electronic or paper form.~~

4 [~~(1) the original file in the case; and~~
5 [~~(2) certified copies of all entries that have been~~
6 ~~made in the judge's probate docket in the proceeding].~~

7 SECTION 3. Section 33.103(b), Estates Code, is amended to
8 read as follows:

9 (b) The clerk of the court from which the probate proceeding
10 described by Subsection (a) is transferred shall transmit the file
11 for the proceeding in accordance with the procedures provided by
12 Section 33.105 to the court to which the proceeding is
13 transferred[~~+~~

14 [~~(1) the original file in the proceeding; and~~
15 [~~(2) a certified copy of the index].~~

16 SECTION 4. Subchapter C, Chapter 33, Estates Code, is
17 amended by adding Section 33.105 to read as follows:

18 Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) If
19 a probate proceeding is transferred to a court in another county
20 under this chapter, the clerk of the transferring court shall send
21 to the clerk of the court to which the proceeding is transferred,
22 using the electronic filing system established under Section
23 72.031, Government Code:

24 (1) a transfer certificate and index of transferred
25 documents;

26 (2) a copy of each final order;

27 (3) a copy of the order of transfer signed by the

1 transferring court;

2 (4) a copy of the original papers filed in the
3 transferring court, including a copy of any will;

4 (5) a copy of the transfer certificate and index of
5 transferred documents from each previous transfer; and

6 (6) a bill of any costs accrued in the transferring
7 court.

8 (b) The clerk of the transferring court shall use the
9 standardized transfer certificate and index of transferred
10 documents form developed by the Office of Court Administration of
11 the Texas Judicial System under Section 72.037, Government Code,
12 when transferring a proceeding under this section.

13 (c) The clerk of the transferring court shall keep a copy of
14 the documents transferred under Subsection (a).

15 (d) The clerk of the court to which the proceeding is
16 transferred shall:

17 (1) accept documents transferred under Subsection
18 (a);

19 (2) docket the proceeding; and

20 (3) notify, using the electronic filing system
21 established under Section 72.031, Government Code, all parties to
22 the proceeding, the clerk of the transferring court, and, if
23 appropriate, the transferring court's local registry that the
24 proceeding has been docketed.

25 (e) The clerk of the transferee court shall physically or
26 electronically mark or stamp the transfer certificate and index of
27 transferred documents to evidence the date and time of acceptance

1 under Subsection (d) but may not physically or electronically mark
2 or stamp any other document transferred under Subsection (a).

3 (f) The clerks of both the transferee and transferring
4 courts may each produce under Chapter 51, Government Code,
5 certified or uncertified copies of documents transferred under
6 Subsection (a) but must include a copy of the transfer certificate
7 and index of transferred documents with each document produced.

8 (g) Sections 80.001 and 80.002, Government Code, do not
9 apply to the transfer of documents under this section.

10 SECTION 5. Section 1023.006, Estates Code, is amended to
11 read as follows:

12 Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the
13 10th working day after the date [When] an order of transfer is
14 signed [made] under Section 1023.005, the clerk shall record any
15 unrecorded papers of the guardianship required to be recorded. On
16 payment of the clerk's fee, the clerk shall send, using the
17 electronic filing system established under Section 72.031,
18 Government Code, [transmit in electronic or paper form] to the
19 county clerk of the county to which the guardianship was ordered
20 transferred:

21 (1) a transfer certificate and index of transferred
22 documents [the case file of the guardianship proceedings]; [and]

23 (2) a copy of each final order;

24 (3) a copy of the order of transfer signed by the
25 transferring court;

26 (4) a copy of the original papers filed in the
27 transferring court;

1 (5) a copy of the transfer certificate and index of
2 transferred documents from each previous transfer; and

3 (6) a bill of any costs accrued in the transferring
4 court [a certified copy of the index of the guardianship records].

5 (b) The clerk of the transferring court shall use the
6 standardized transfer certificate and index of transferred
7 documents form developed by the Office of Court Administration of
8 the Texas Judicial System under Section 72.037, Government Code,
9 when transferring a proceeding under this section.

10 (c) The clerk of the transferring court shall keep a copy of
11 the documents transferred under Subsection (a).

12 (d) The clerk of the court to which the proceeding is
13 transferred shall:

14 (1) accept documents transferred under Subsection
15 (a);

16 (2) docket the suit; and

17 (3) notify, using the electronic filing system
18 established under Section 72.031, Government Code, all parties, the
19 clerk of the transferring court, and, if appropriate, the
20 transferring court's local registry that the suit has been
21 docketed.

22 (e) The clerk of the transferee court shall physically or
23 electronically mark or stamp the transfer certificate and index of
24 transferred documents to evidence the date and time of acceptance
25 under Subsection (d), but may not physically or electronically mark
26 or stamp any other document transferred under Subsection (a).

27 (f) The clerk of the transferring court shall send a

1 certified copy of the order directing payments to the transferee
2 court to:

3 (1) any party affected by the order and, if
4 appropriate, to the local registry of the transferee court using
5 the electronic filing system established under Section 72.031,
6 Government Code; and

7 (2) an employer affected by the order electronically
8 or by first class mail.

9 (g) The clerks of both the transferee and transferring
10 courts may each produce under Chapter 51, Government Code,
11 certified or uncertified copies of documents transferred under
12 Subsection (a) but must include a copy of the transfer certificate
13 and index of transferred documents with each document produced.

14 (h) Sections 80.001 and 80.002, Government Code, do not
15 apply to the transfer of documents under this section.

16 SECTION 6. Section 1023.007, Estates Code, is amended to
17 read as follows:

18 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring
19 a guardianship does not take effect until the clerk of the court to
20 which the proceeding is transferred accepts and docket the case
21 record under Section 1023.006[-+]

22 ~~[(1) the case file and a certified copy of the index~~
23 ~~required by Section 1023.006 are filed in electronic or paper form~~
24 ~~in the office of the county clerk of the county to which the~~
25 ~~guardianship was ordered transferred; and~~

26 ~~[(2) a certificate under the clerk's official seal and~~
27 ~~reporting the filing of the case file and a certified copy of the~~

1 ~~index is filed in electronic or paper form in the court ordering the~~
2 ~~transfer by the county clerk of the county to which the guardianship~~
3 ~~was ordered transferred].~~

4 SECTION 7. Section 110.002, Family Code, is amended by
5 amending Subsection (a) and adding Subsection (d) to read as
6 follows:

7 (a) The clerk of the court may collect a filing fee of \$80
8 [~~\$15~~] in a suit for filing:

9 (1) a suit or motion for modification;

10 (2) a motion for enforcement;

11 (3) a notice of application for judicial writ of
12 withholding;

13 (4) [~~a motion to transfer,~~

14 [~~5~~] a petition for license suspension;

15 (5) [~~6~~] a motion to revoke a stay of license
16 suspension; or

17 (6) [~~7~~] a motion for contempt.

18 (d) Fees collected under this section are to be remitted and
19 allocated as provided by Chapter 135, Local Government Code.

20 SECTION 8. Section 110.005(a), Family Code, is amended to
21 read as follows:

22 (a) The fee for filing a transferred case is \$80 [~~\$45~~]
23 payable to the clerk of the court to which the case is transferred.

24 Fees collected under this section are to be remitted and allocated
25 as provided by Chapters 133 and 135, Local Government Code, as
26 applicable [~~No portion of this fee may be sent to the state].~~

27 SECTION 9. Sections 155.207(a), (b), and (e), Family Code,

1 are amended to read as follows:

2 (a) Not later than the 10th working day after the date an
3 order of transfer is signed, the clerk of the court transferring a
4 proceeding shall send, using the electronic filing system
5 established under Section 72.031, Government Code, to the proper
6 court [~~in the county~~] to which transfer is being made:

7 (1) a transfer certificate and index of transferred
8 documents;

9 (2) a copy of each final order;

10 (3) a copy of the order of transfer signed by the
11 transferring court;

12 (4) a copy of the original papers filed in the
13 transferring court;

14 (5) a copy of the transfer certificate and index of
15 transferred documents from each previous transfer; and

16 (6) a bill of any costs that have accrued in the
17 transferring court.

18 (b) The clerk of the transferring court shall keep a copy of
19 the documents transferred under Subsection (a) [~~transferred~~
20 ~~pleadings~~].

21 (e) The clerks of both the transferee and transferring
22 courts may each produce under Chapter 51, Government Code,
23 certified or uncertified copies of documents transferred under
24 Subsection (a) and must [~~filed in a case transferred under this~~
25 ~~section, but shall also~~] include a copy of the transfer certificate
26 and index of transferred documents with each document produced.

27 SECTION 10. Section 51.3071, Government Code, is amended by

1 amending Subsection (a) and adding Subsections (f) and (g) to read
2 as follows:

3 (a) If a case is transferred from a district court to a
4 constitutional or statutory county court or another district court,
5 the clerk of the transferring [~~district~~] court shall send to the
6 [~~county~~] clerk of the court to which the case is transferred, using
7 the electronic filing system established under Section 72.031:

8 (1) a transfer certificate and index of transferred
9 documents;

10 (2) a copy of the original papers filed in the
11 transferring court;

12 (3) a copy of the order of transfer signed by the
13 transferring court;

14 (4) a copy of each final order;

15 (5) a copy of the transfer certificate and index of
16 transferred documents from each previous transfer; and

17 (6) a bill of any costs that have accrued in the
18 transferring court.

19 (f) The clerks of both the transferee and transferring
20 courts may each produce, under this chapter, certified or
21 uncertified copies of documents transferred under Subsection (a)
22 and must include a copy of the transfer certificate and index of
23 transferred documents with each document produced.

24 (g) This section applies regardless of whether the
25 transferee court and the transferring court are in the same or
26 different counties.

27 SECTION 11. Section 51.318(b), Government Code, is amended

1 to read as follows:

2 (b) The fees are:

3 (1) for issuing a subpoena, including one copy . . . \$8_i;

4 (2) for issuing a citation, commission for deposition,
5 writ of execution, order of sale, writ of execution and order of
6 sale, writ of injunction, writ of garnishment, writ of attachment,
7 or writ of sequestration, or any other writ or process not otherwise
8 provided for, including one copy if required by law \$8_i;

9 (3) for searching files or records to locate a cause
10 when the docket number is not provided or to ascertain the existence
11 of an instrument or record in the district clerk's office \$5_i;

12 (4) for abstracting a judgment \$8_i;

13 (5) for preparation of the clerk's record on appeal,
14 for each page or part of a page \$1_i;

15 (6) for approving a bond \$5_i;

16 (7) for a certified copy of a record, judgment, order,
17 pleading, or paper on file or of record in the district clerk's
18 office~~[, printed on paper]~~:

19 (A) including certificate and seal \$5; and

20 (B) for each page or part of a page:

21 (i) printed on paper \$1_i;

22 (ii) that is a paper document converted to
23 electronic format \$1_i; or

24 (iii) that is an electronic copy of an
25 electronic document:

26 (a) for a document up to 10 pages in
27 length \$1_i; and

1 (b) for each page or part of a page
2 over 10 pages \$0.10;

3 (8) for a noncertified copy:

4 (A) printed on paper, for each page or part of a
5 page \$1;

6 (B) that is a paper document converted to
7 electronic format, for each page or part of a page \$1; or

8 (C) that is an electronic copy of an electronic
9 document:

10 (i) for each document up to 10 pages in
11 length \$1; and

12 (ii) for each page or part of a page over 10
13 pages \$0.10;

14 (9) for preparation of the clerk's record of transfer
15 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
16 Family Code, and Sections 51.3071 and 51.403 of this code:

17 (A) for the clerk's transfer certificate and
18 index \$5;

19 (B) for each page or part of a page of a case
20 record up to 10 pages in length \$1.00; and

21 (C) for each page or part of a page of a case
22 record over 10 pages \$0.10.

23 SECTION 12. Section 51.403, Government Code, is amended by
24 amending Subsection (a) and adding Subsections (d) and (e) to read
25 as follows:

26 (a) If a case is transferred from a county court to a
27 district court or a statutory county court or a county court of

1 another county, the clerk of the transferring [~~county~~] court shall
2 send to the [~~district~~] clerk of the court to which the case is
3 transferred, using the electronic filing system established under
4 Section 72.031:

5 (1) a transfer certificate and index of transferred
6 documents;

7 (2) a copy of the original papers filed in the
8 transferring court;

9 (3) a copy of the order of transfer signed by the
10 transferring court;

11 (4) a copy of each final order;

12 (5) a copy of the transfer certificate and index of
13 transferred documents from each previous transfer; and

14 (6) a bill of any costs that have accrued in the
15 transferring court.

16 (d) The clerks of both the transferee and transferring
17 courts may each produce, under this chapter, certified or
18 uncertified copies of documents transferred under Subsection (a)
19 and must include a copy of the transfer certificate and index of
20 transferred documents with each document produced.

21 (e) This section applies regardless of whether the
22 transferee court and the transferring court are in the same or
23 different counties.

24 SECTION 13. Section 72.037(a), Government Code, is amended
25 to read as follows:

26 (a) The office shall develop and make available a
27 standardized transfer certificate and an index of transferred

1 documents form to be used for the transfer of cases and proceedings
2 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
3 Family Code, and Sections 51.3071 and 51.403 of this code.

4 SECTION 14. Section 118.011(a), Local Government Code, is
5 amended to read as follows:

6 (a) A county clerk shall collect the following fees for
7 services rendered to any person:

8 (1) Personal Property Records Filing (Sec. 118.012):

9 (A) for the first page \$ 5.00*i*

10 (B) for each additional page or part of a page on
11 which there are visible marks of any kind \$ 4.00*i*

12 (2) Real Property Records Filing (Sec. 118.013):

13 (A) for the first page \$ 5.00*i*

14 (B) for each additional page or part of a page on
15 which there are visible marks of any kind \$ 4.00*i*

16 (C) for all or part of each 8-1/2" X
17 14" attachment or rider \$ 4.00*i*

18 (D) for each name in excess of five names that has
19 to be indexed in all records in which the document must be
20 indexed \$ 0.25*i*

21 (3) Certified Papers (Sec. 118.014):

22 (A) for the clerk's certificate \$ 5.00*i*

23 (B) printed on paper, plus a fee for each page or
24 part of a page \$ 1.00*i*

25 (C) that is a paper document converted to
26 electronic format, for each page or part of a page \$1;

27 (D) that is an electronic copy of an electronic

1 document:

2 (i) for each document up to 10 pages in
3 length \$1;

4 (ii) for each page or part of a page of a
5 document over 10 pages \$0.10;

6 (4) Noncertified Papers (Sec. 118.0145):

7 (A) printed on paper, for each page or part of a
8 page \$ 1.00;

9 (B) that is a paper document converted to
10 electronic format, for each page or part of a page \$1;

11 (C) that is an electronic copy of an electronic
12 document:

13 (i) for each document up to 10 pages in
14 length \$1;

15 (ii) for each page or part of a page of a
16 document over 10 pages \$0.10;

17 (5) Birth or Death Certificate (Sec.
18 118.015) same as state registrar;

19 (6) Bond Approval (Sec. 118.016) \$ 3.00;

20 (7) Marriage License (Sec. 118.018) \$60.00;

21 (8) Declaration of Informal Marriage (Sec.
22 118.019) \$25.00;

23 (9) Brand Registration (Sec. 118.020) \$ 5.00;

24 (10) Oath Administration (Sec. 118.021) \$ 1.00.

25 SECTION 15. Section 118.052, Local Government Code, is
26 amended to read as follows:

27 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court

1 shall collect the following fees for services rendered to any
2 person:

3 (1) CIVIL COURT ACTIONS

4 (A) Preparation of the clerk's record of transfer
5 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
6 Family Code, and Sections 51.3071 and 51.403, Government Code:

7 (i) for the clerk's transfer certificate
8 and index \$5; and

9 (ii) for each page or part of a page of a
10 case record up to 10 pages in length \$1.00;

11 (iii) for each page or part of a page of a
12 case record over 10 pages \$0.10; [Filing
13 of Garnishment after judgment . . . \$15.00]

14 (B) Services Rendered After Judgment in Original
15 Action (Sec. 118.0545):

16 (i) Abstract of judgment . . . \$ 8.00i

17 (ii) Execution, order of sale, writ, or
18 other process . . . \$ 8.00i

19 (2) PROBATE COURT ACTIONS

20 (A) Services in Pending Probate Action (Sec.
21 118.056):

22 (i) Filing an inventory and appraisal as
23 provided by Section 118.056(d) . . . \$25.00i

24 (ii) Approving and recording bond . . .
25 \$ 5.00i

26 (iii) Administering oath . . . \$ 2.00i

27 (iv) Filing annual or final account of

1 estate . . . \$25.00;i

2 (v) Filing application for sale of real or
3 personal property . . . \$25.00;i

4 (vi) Filing annual or final report of
5 guardian of a person . . . \$10.00;i

6 (vii) Filing a document not listed under
7 this paragraph after the filing of an order approving the inventory
8 and appraisal or after the 120th day after the date of the
9 initial filing of the action, whichever occurs first, if more than
10 25 pages . . . \$25.00;i

11 (B) Claim Against Estate (Sec. 118.058) . . .
12 \$10.00;i

13 (C) Preparation of the clerk's record of transfer
14 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
15 Family Code, and Sections 51.3071 and 51.403, Government Code:

16 (i) for the clerk's transfer certificate
17 and index \$5;

18 (ii) for each page or part of a page of a
19 case record up to 10 pages in length \$1.00;

20 (iii) for each page or part of a page of a
21 case record over 10 pages \$0.10;

22 (3) OTHER FEES

23 (A) Issuing Document (Sec. 118.059):

24 (i) original document and one copy . . .
25 \$ 8.00;i

26 (ii) each additional set of an original and
27 one copy . . . \$ 8.00;i

(B) Certified Papers (Sec. 118.060):

(i) for the clerk's certificate . . . \$ 5.00;

(ii) printed on paper, plus a fee per page or part of a page of . . . \$ 1.00;

(iii) that is a paper document converted to electronic format, for each page or part of a page \$1;

(iv) that is an electronic copy of an electronic document:

(a) for each document up to 10 pages in length \$1;

(b) for each page or part of a page of a document over 10 pages \$0.10;

(C) Noncertified Papers (Sec. 118.0605):

(i) printed on paper, for each page or part of a page . . . \$ 1.00;

(ii) that is a paper converted to electronic format, for each page or part of a page . . . \$ 1.00;

(iii) that is an electronic copy of an electronic document:

(a) [~~(i)~~] for each document up to 10 pages in length . . . \$ 1.00; [and]

(b) [~~(ii)~~] for each page or part of a page of a document over 10 pages . . . \$ 0.10;

(D) Letters Testamentary, Letter of

Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . \$ 2.00;

1 (E) Deposit and Safekeeping of Wills (Sec.
2 [118.062](#)) . . . \$ 5.00;i

3 (F) Mail Service of Process (Sec. [118.063](#)) . . .
4 same as sheriff;i

5 (G) Searching files or records to locate a cause
6 when the docket number is not provided . . . \$ 5.00;i

7 (H) Records Technology and Infrastructure Fee if
8 authorized by the commissioners court of the county (Sec. [118.026](#))
9 . . . \$ 2.00;i

10 (I) Preparation of the clerk's record for appeal,
11 per page or part of a page . . . \$1.00.i

12 SECTION 16. Section [118.131](#)(a), Local Government Code, is
13 amended to read as follows:

14 (a) The commissioners court of a county may set reasonable
15 fees to be charged for service of process, including service of
16 writs, [services] by the offices of the sheriff and constables.

17 SECTION 17. Sections [133.151](#)(a) and (a-1), Local Government
18 Code, are amended to read as follows:

19 (a) The clerk of a district court, statutory county court,
20 statutory probate court, or county court shall collect:

21 (1) a fee in the amount of \$137 on the filing of any
22 civil, probate, guardianship, or mental health case; and

23 (2) a fee in the amount of \$45 on any action other than
24 an original action subject to Subdivision (1), including [~~an appeal~~
25 ~~and~~] any counterclaim, cross-action, intervention, contempt
26 action, adverse probate action, interpleader, motion for new trial,
27 motion to reinstate, or third-party action.

1 (a-1) The clerk of a justice court shall collect a fee in the
2 amount of \$21 on the filing of any civil case and on any action other
3 than an original action for the civil case, including an appeal and
4 any counterclaim, cross-action, intervention, contempt action,
5 interpleader, motion for new trial, motion to reinstate, or
6 third-party action.

7 SECTION 18. Section 134.101(b), Local Government Code, is
8 amended to read as follows:

9 (b) The treasurer shall allocate the court costs received
10 under this section to the following accounts and funds so that each
11 receives to the extent practicable, utilizing historical data as
12 applicable, the same amount of money the account or fund would have
13 received if the court costs for the accounts and funds had been
14 collected and reported separately, except that the account or fund
15 may not receive less than the following percentages:

- 16 (1) the clerk of the court account . . . 38.0953 percent;
- 17 (2) the clerks [~~county~~] records management and
18 preservation fund 23.8095 percent;
- 19 (3) the county jury fund 0.9524 percent;
- 20 (4) the courthouse security fund 9.5238 percent;
- 21 (5) the county and district court technology
22 fund 3.8095 percent; and
- 23 (6) the county specialty court account 23.8095
24 percent.

25 SECTION 19. Section 134.102(b), Local Government Code, is
26 amended to read as follows:

27 (b) The treasurer shall allocate the court costs received

1 under this section to the following accounts and funds so that each
2 receives to the extent practicable, utilizing historical data as
3 applicable, the same amount of money the account or fund would have
4 received if the court costs for the accounts and funds had been
5 collected and reported separately, except that the account or fund
6 may not receive less than the following percentages:

- 7 (1) the clerk of the court account . . . 32.5203 percent;
- 8 (2) the clerks [~~county~~] records management and
9 preservation fund 20.3252 percent;
- 10 (3) the account for prosecutor's
11 fees 16.2602 percent;
- 12 (4) the county jury fund 0.8130 percent;
- 13 (5) the courthouse security fund 8.1301 percent;
- 14 (6) the county and district court technology
15 fund 3.2520 percent;
- 16 (7) the court reporter service fund 2.4390 percent; and
- 17 (8) the county specialty court account 16.2602
18 percent.

19 SECTION 20. Section [134.155](#), Local Government Code, is
20 amended to read as follows:

21 Sec. 134.155. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND
22 PRESERVATION FUND. Money allocated under Section [134.101](#) or
23 [134.102](#) to the clerks [~~county~~] records management and preservation
24 fund maintained in the county treasury as required by Section
25 [134.151](#) may be used by a clerk [~~county~~] only to fund records
26 management and preservation services performed by the [~~court~~] clerk
27 who collects the fee.

1 SECTION 21. Section 135.101, Local Government Code, is
2 amended to read as follows:

3 Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN
4 CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY
5 COURT. (a) A person shall pay in a district court, statutory
6 county court, or county court in addition to all other fees and
7 court costs a local consolidated filing fee of:

8 (1) \$213 on filing any civil case except a probate,
9 guardianship, or mental health case; and

10 (2) \$35 on any action other than an original action for
11 a case subject to Subdivision (1), including an appeal and any
12 counterclaim, cross-action, intervention, contempt action,
13 interpleader, motion for new trial, motion to reinstate, or
14 third-party action.

15 (b) The county treasurer shall allocate the fees received
16 under Subsection (a)(1) to the following accounts and funds so that
17 each receives to the extent practicable, utilizing historical data
18 as applicable, the same amount of money the account or fund would
19 have received if the fees for the accounts and funds had been
20 collected and reported separately, except that the account or fund
21 may not receive less than the following percentages:

22 (1) the appellate judicial system
23 fund 2.3474 percent;

24 (2) the court facility fee fund 9.3897 percent;

25 (3) the clerk of the court account . . 23.4742 percent;

26 (4) the clerks [~~county~~] records management and
27 preservation account 14.0845 percent;

- 1 (5) the court reporter service
- 2 fund 11.7371 percent;
- 3 (6) the county law library fund . . . 16.4319 percent;
- 4 (7) the courthouse security fund. . . . 9.3897 percent;
- 5 (8) the language access fund 1.4085 percent;
- 6 (9) the county jury fund 4.6948 percent; and
- 7 (10) the county dispute resolution fund. 7.0423
- 8 percent.

9 (c) The county treasurer shall allocate the fees received
 10 under Subsection (a)(2) to the following accounts and funds so that
 11 each receives to the extent practicable, utilizing historical data
 12 as applicable, the same amount of money the account or fund would
 13 have received if the fees for the accounts and funds had been
 14 collected and reported separately, except that the account or fund
 15 may not receive less than the following percentages:

- 16 (1) the clerk of the court
- 17 account 42.8571 percent; and
- 18 (2) the clerks [~~county~~] records management and
- 19 preservation account 57.1429 percent.

20 SECTION 22. Sections [135.102](#)(b) and (c), Local Government
 21 Code, are amended to read as follows:

22 (b) The county treasurer shall allocate the fees received
 23 under Subsection (a)(1) to the following accounts and funds so that
 24 each receives to the extent practicable, utilizing historical data
 25 as applicable, the same amount of money the account or fund would
 26 have received if the fees for the accounts and funds had been
 27 collected and reported separately, except that the account or fund

1 may not receive less than the following percentages:

- 2 (1) the appellate judicial system
3 fund 2.2422 percent;
- 4 (2) the court facility fee fund 8.9686 percent;
- 5 (3) the clerk of the court account . . 17.9372 percent;
- 6 (4) the clerks [~~county~~] records management and
7 preservation account 6.7265 percent;
- 8 (5) the court reporter service
9 fund 11.2108 percent;
- 10 (6) the county law library fund . . . 15.6951 percent;
- 11 (7) the courthouse security fund . . . 8.9686 percent;
- 12 (8) the language access fund 1.3453 percent;
- 13 (9) the county jury fund 4.4841 percent;
- 14 (10) the county dispute resolution fund 6.7265
15 percent;
- 16 (11) the court-initiated guardianship fund . . . 8.9686
17 percent;
- 18 (12) the judicial education and support fund . . 2.2422
19 percent; and
- 20 (13) the public probate administrator fund . . . 4.4843
21 percent.

22 (c) The county treasurer shall allocate the fees received
23 under Subsection (a)(2) to the following accounts and funds so that
24 each receives to the extent practicable, utilizing historical data
25 as applicable, the same amount of money the account or fund would
26 have received if the fees for the accounts and funds had been
27 collected and reported separately, except that the account or fund

1 may not receive less than the following percentages:

- 2 (1) the clerk of the court account . . 53.3333 percent;
- 3 (2) the clerks [~~county~~] records management and
4 preservation account6.6667 percent;
- 5 (3) the court-initiated guardianship fund . . 26.6667
6 percent; and
- 7 (4) the public probate administrator fund . . 13.3333
8 percent.

9 SECTION 23. Section 135.103(a), Local Government Code, is
10 amended to read as follows:

11 (a) In addition to all other fees and court costs, a person
12 shall pay a local consolidated filing fee of \$33 on filing of any
13 civil case in a justice court and on any action other than an
14 original action for a civil case, including an appeal and any
15 counterclaim, cross-action, intervention, contempt action,
16 interpleader, motion for new trial, motion to reinstate, or
17 third-party action.

18 SECTION 24. Section 135.154, Local Government Code, is
19 amended to read as follows:

20 Sec. 135.154. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND
21 PRESERVATION ACCOUNT. Money allocated under Section 135.101 or
22 135.102 to the clerks [~~county~~] records management and preservation
23 account maintained in the county treasury as required by Section
24 135.151 may be used by a clerk [~~county~~] only to fund records
25 management and preservation services, including automation,
26 performed by the [~~court~~] clerk who collects the fee on approval by
27 the commissioners court of a budget as provided by Chapter 111. An

1 expenditure from the fund must comply with Subchapter C, Chapter
2 262.

3 SECTION 25. (a) Effective September 1, 2023, Section
4 33.103(c), Estates Code, is repealed.

5 (b) Effective January 1, 2024, Section 291.008, Local
6 Government Code, is repealed.

7 SECTION 26. As soon as practicable after January 1, 2024,
8 the Office of Court Administration of the Texas Judicial System
9 shall develop and make available all forms and materials required
10 by Section 72.037, Government Code, as amended by this Act.

11 SECTION 27. (a) Except as provided by Subsection (b) of this
12 section or as otherwise provided by this Act, this Act takes effect
13 January 1, 2024.

14 (b) The following provisions take effect September 1, 2023:

15 (1) Sections 33.101, 33.102(a), 33.103(b), 1023.006,
16 and 1023.007, Estates Code, as amended by this Act;

17 (2) Section 33.105, Estates Code, as added by this
18 Act;

19 (3) Sections 155.207(a), (b), and (e), Family Code, as
20 amended by this Act; and

21 (4) Sections 51.3071 and 51.403, Government Code, as
22 amended by this Act.