

By: Zaffirini

S.B. No. 1612

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 docketes 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 51.072(1), Family Code, is amended to  
5 read as follows:

6 (1) The sending county is financially responsible for any  
7 special treatment program or placement that the juvenile court of  
8 the sending county requires as a condition of probation [~~if the~~  
9 ~~child's family is financially unable to pay for the program or~~  
10 ~~placement].~~

11 SECTION 8. Section 61.002, Family Code, is amended to read  
12 as follows:

13 Sec. 61.002. APPLICABILITY. This [~~(a) Except as provided~~  
14 ~~by Subsection (b), this]~~ chapter applies to a proceeding to enter a  
15 juvenile court order:

16 (1) [~~for payment of probation fees under Section~~  
17 ~~54.061,~~

18 [~~(2)~~] for restitution under Sections 54.041(b) and  
19 54.048;

20 (2) [~~(3)~~] for community service under Section  
21 54.044(b);

22 (3) [~~(4)~~] requiring the person to refrain from doing  
23 any act injurious to the welfare of the child under Section  
24 54.041(a)(1);

25 (4) [~~(5)~~] enjoining contact between the person and the  
26 child who is the subject of a proceeding under Section  
27 54.041(a)(2);

1           (5) [~~(6)~~] ordering a person living in the same  
2 household with the child to participate in counseling under Section  
3 [54.041\(a\)\(3\)](#);

4           (6) [~~(7)~~] ~~requiring a parent or other eligible person~~  
5 ~~to pay reasonable attorney's fees for representing the child under~~  
6 ~~Section [51.10\(e\)](#);~~

7           ~~[(8)] requiring the parent or other eligible person to~~  
8 ~~reimburse the county for payments the county has made to an attorney~~  
9 ~~appointed to represent the child under Section [51.10\(j\)](#);~~

10           ~~[(9)] requiring payment of deferred prosecution~~  
11 ~~supervision fees under Section [53.03\(d\)](#);~~

12           ~~[(10)]~~ requiring a parent or other eligible person to  
13 attend a court hearing under Section [51.115](#);

14           (7) [~~(11)~~] requiring a parent or other eligible person  
15 to act or refrain from acting to aid the child in complying with  
16 conditions of release from detention under Section [54.01\(r\)](#); or

17           (8) [~~(12)~~] requiring a parent or other eligible person  
18 to act or refrain from acting under any law imposing an obligation  
19 of action or omission on a parent or other eligible person because  
20 of the parent's or person's relation to the child who is the subject  
21 of a proceeding under this title [~~, or~~

22           ~~[(13)] for payment of the cost of attending an~~  
23 ~~educational program under Section [54.0404](#)].~~

24           ~~[(b)] This subchapter does not apply to the entry and~~  
25 ~~enforcement of a child support order under Section [54.06](#).]~~

26           SECTION 9. Section [110.002](#), Family Code, is amended by  
27 amending Subsection (a) and adding Subsection (d) to read as



1 follows:

2 (a) The clerk of the court may collect a filing fee of \$80  
3 [~~\$15~~] in a suit for filing:

4 (1) a suit or motion for modification;

5 (2) a motion for enforcement;

6 (3) a notice of application for judicial writ of  
7 withholding;

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

9 [~~5~~] a petition for license suspension;

10 (5) [~~6~~] a motion to revoke a stay of license  
11 suspension; or

12 (6) [~~7~~] a motion for contempt.

13 (d) Fees collected under this section are to be remitted and  
14 allocated as provided by Chapters 133 and 135, Local Government  
15 Code, as applicable.

16 SECTION 10. Section 110.005(a), Family Code, is amended to  
17 read as follows:

18 (a) The fee for filing a transferred case is \$80 [~~\$45~~]  
19 payable to the clerk of the court to which the case is transferred.  
20 Fees collected under this section are to be remitted and allocated  
21 as provided by Chapters 133 and 135, Local Government Code, as  
22 applicable [~~No portion of this fee may be sent to the state~~].

23 SECTION 11. Sections 155.207(a), (b), and (e), Family Code,  
24 are amended to read as follows:

25 (a) Not later than the 10th working day after the date an  
26 order of transfer is signed, the clerk of the court transferring a  
27 proceeding shall send, using the electronic filing system

1 established under Section 72.031, Government Code, to the proper  
2 court [~~in the county~~] to which transfer is being made:

3 (1) a transfer certificate and index of transferred  
4 documents;

5 (2) a copy of each final order;

6 (3) a copy of the order of transfer signed by the  
7 transferring court;

8 (4) a copy of the original papers filed in the  
9 transferring court;

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

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

14 (b) The clerk of the transferring court shall keep a copy of  
15 the documents transferred under Subsection (a) [~~transferred~~  
16 ~~pleadings~~].

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

23 SECTION 12. Section 51.3071, Government Code, is amended by  
24 amending Subsection (a) and adding Subsections (f) and (g) to read  
25 as follows:

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

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

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

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

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

10 (4) a copy of each final order;

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

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

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

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

23 SECTION 13. Section 51.318(b), Government Code, is amended  
24 to read as follows:

25 (b) The fees are:

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

27 (2) for issuing a citation, commission for deposition,

1 writ of execution, order of sale, writ of execution and order of  
2 sale, writ of injunction, writ of garnishment, writ of attachment,  
3 or writ of sequestration, or any other writ or process not otherwise  
4 provided for, including one copy if required by law . . . . . \$8;  
5

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

10 (4) for abstracting a judgment . . . . . \$8;  
11

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

15 (6) for approving a bond . . . . . \$5;  
16

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

20 (A) including certificate and seal . . . . \$5; and  
21

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

23 (i) printed on paper . . . . . \$1;  
24

25 (ii) that is a paper document converted to  
26 electronic format . . . . . \$1; or  
27

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

30 (a) for a document up to 10 pages in  
31 length . . . . . \$1; and  
32

33 (b) for each page or part of a page  
34 over 10 pages . . . . . \$0.10;  
35

36 (8) for a noncertified copy:

37 (A) printed on paper, for each page or part of a

1 page . . . . . \$1;

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

4 (C) that is an electronic copy of an electronic  
5 document:

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

8 (ii) for each page or part of a page over 10  
9 pages . . . . . \$0.10;

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

13 (A) for the clerk's transfer certificate and  
14 index . . . . . \$5;

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

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

19 SECTION 14. Section 51.403, Government Code, is amended by  
20 amending Subsection (a) and adding Subsections (d) and (e) to read  
21 as follows:

22 (a) If a case is transferred from a county court to a  
23 district court or a statutory county court or a county court of  
24 another county, the clerk of the transferring [~~county~~] court shall  
25 send to the [~~district~~] clerk of the court to which the case is  
26 transferred, using the electronic filing system established under  
27 Section 72.031:

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

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

5           (3) a copy of the order of transfer signed by the  
6 transferring court;

7           (4) a copy of each final order;

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

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

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

17          (e) This section applies regardless of whether the  
18 transferee court and the transferring court are in the same or  
19 different counties.

20          SECTION 15. Section 72.037(a), Government Code, is amended  
21 to read as follows:

22          (a) The office shall develop and make available a  
23 standardized transfer certificate and an index of transferred  
24 documents form to be used for the transfer of cases and proceedings  
25 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,  
26 Family Code, and Sections 51.3071 and 51.403 of this code.

27          SECTION 16. Section 118.011(a), Local Government Code, is

1 amended to read as follows:

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

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

5 (A) for the first page . . . . . \$ 5.00<sub>i</sub>

6 (B) for each additional page or part of a page on  
7 which there are visible marks of any kind . . . . . \$ 4.00<sub>i</sub>

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

9 (A) for the first page . . . . . \$ 5.00<sub>i</sub>

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

12 (C) for all or part of each 8-1/2" X  
13 14" attachment or rider . . . . . \$ 4.00<sub>i</sub>

14 (D) for each name in excess of five names that has  
15 to be indexed in all records in which the document must be  
16 indexed . . . . . \$ 0.25<sub>i</sub>

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

18 (A) for the clerk's certificate . . . . . \$ 5.00<sub>i</sub>

19 (B) printed on paper, plus a fee for each page or  
20 part of a page . . . . . \$ 1.00<sub>i</sub>

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

23 (D) that is an electronic copy of an electronic  
24 document:

25 (i) for each document up to 10 pages in  
26 length . . . . . \$1;

27 (ii) for each page or part of a page of a

1 document over 10 pages . . . . . \$0.10;

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

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

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

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

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

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

13 (5) Birth or Death Certificate (Sec.  
14 118.015) . . . . . same as state registrar;

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

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

17 (8) Declaration of Informal Marriage (Sec.  
18 118.019) . . . . . \$25.00;

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

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

21 SECTION 17. Section 118.052, Local Government Code, is  
22 amended to read as follows:

23 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court  
24 shall collect the following fees for services rendered to any  
25 person:

26 (1) CIVIL COURT ACTIONS

27 (A) Preparation of the clerk's record of transfer



1 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,  
2 Family Code, and Sections 51.3071 and 51.403, Government Code:

3 (i) for the clerk's transfer certificate  
4 and index . . . . . \$5;

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

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

10 (B) Services Rendered After Judgment in Original  
11 Action (Sec. 118.0545):

12 (i) Abstract of judgment . . . \$ 8.00*i*;

13 (ii) Execution, order of sale, writ, or  
14 other process . . . \$ 8.00*i*;

15 (2) PROBATE COURT ACTIONS

16 (A) Services in Pending Probate Action (Sec.  
17 118.056):

18 (i) Filing an inventory and appraisalment as  
19 provided by Section 118.056(d) . . . \$25.00*i*;

20 (ii) Approving and recording bond . . .  
21 \$ 5.00*i*;

22 (iii) Administering oath . . . \$ 2.00*i*;

23 (iv) Filing annual or final account of  
24 estate . . . \$25.00*i*;

25 (v) Filing application for sale of real or  
26 personal property . . . \$25.00*i*;

27 (vi) Filing annual or final report of

1 guardian of a person . . . \$10.00;i

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

7 (B) Claim Against Estate (Sec. 118.058) . . .  
8 \$10.00;i

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

12 (i) for the clerk's transfer certificate  
13 and index . . . . . \$5;

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

16 (iii) for each page or part of a page of a  
17 case record over 10 pages . . . . . \$0.10;

18 (3) OTHER FEES

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

20 (i) original document and one copy . . .  
21 \$ 8.00;i

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

24 (B) Certified Papers (Sec. 118.060):

25 (i) for the clerk's certificate . . .  
26 \$ 5.00;i

27 (ii) printed on paper, plus a fee per page

1 or part of a page of . . . \$ 1.00;i

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

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

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

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

10 (C) Noncertified Papers (Sec. 118.0605):

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

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

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

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

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

21 (D) Letters Testamentary, Letter of  
22 Guardianship, Letter of Administration, or Abstract of Judgment  
23 (Sec. 118.061) . . . \$ 2.00;i

24 (E) Deposit and Safekeeping of Wills (Sec.  
25 118.062) . . . \$ 5.00;i

26 (F) Mail Service of Process (Sec. 118.063) . . .  
27 same as sheriff;i

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

3 (H) Records Technology and Infrastructure Fee if  
4 authorized by the commissioners court of the county (Sec. 118.026)  
5 . . . \$ 2.00;

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

8 SECTION 18. Section 118.131(a), Local Government Code, is  
9 amended to read as follows:

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

13 SECTION 19. Sections 133.151(a) and (a-1), Local Government  
14 Code, are amended to read as follows:

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

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

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

24 (a-1) The clerk of a justice court shall collect a fee in the  
25 amount of \$21 on the filing of any civil case and on any action other  
26 than an original action for the civil case, including an appeal and  
27 any counterclaim, cross-action, intervention, contempt action,

1 interpleader, motion for new trial, motion to reinstate, or  
2 third-party action.

3 SECTION 20. Section 134.101(b), Local Government Code, is  
4 amended to read as follows:

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

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

21 SECTION 21. Section 134.102(b), Local Government Code, is  
22 amended to read as follows:

23 (b) The treasurer shall allocate the court costs received  
24 under this section to the following accounts and funds so that each  
25 receives to the extent practicable, utilizing historical data as  
26 applicable, the same amount of money the account or fund would have  
27 received if the court costs for the accounts and funds had been

1 collected and reported separately, except that the account or fund  
2 may not receive less than the following percentages:

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

15 SECTION 22. Section [134.155](#), Local Government Code, is  
16 amended to read as follows:

17 Sec. 134.155. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND  
18 PRESERVATION FUND. Money allocated under Section [134.101](#) or  
19 [134.102](#) to the clerks [~~county~~] records management and preservation  
20 fund maintained in the county treasury as required by Section  
21 [134.151](#) may be used by a clerk [~~county~~] only to fund records  
22 management and preservation services performed by the [~~court~~] clerk  
23 who collects the fee.

24 SECTION 23. Section [135.101](#), Local Government Code, is  
25 amended to read as follows:

26 Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN  
27 CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY

1 COURT. (a) A person shall pay in a district court, statutory  
2 county court, or county court in addition to all other fees and  
3 court costs a local consolidated filing fee of:

4 (1) \$213 on filing any civil case except a probate,  
5 guardianship, or mental health case; and

6 (2) \$35 on any action other than an original action for  
7 a case subject to Subdivision (1), including an appeal and any  
8 counterclaim, cross-action, intervention, contempt action,  
9 interpleader, motion for new trial, motion to reinstate, or  
10 third-party action.

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

18 (1) the appellate judicial system  
19 fund . . . . . 2.3474 percent;

20 (2) the court facility fee fund . . . . 9.3897 percent;

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

22 (4) the clerks [~~county~~] records management and  
23 preservation account . . . . . 14.0845 percent;

24 (5) the court reporter service  
25 fund . . . . . 11.7371 percent;

26 (6) the county law library fund . . . 16.4319 percent;

27 (7) the courthouse security fund. . . . 9.3897 percent;

- 1           (8) the language access fund . . . . . 1.4085 percent;
- 2           (9) the county jury fund . . . . . 4.6948 percent; and
- 3           (10) the county dispute resolution fund. . . . . 7.0423
- 4 percent.

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

- 12           (1) the clerk of the court
- 13 account . . . . . 42.8571 percent; and
- 14           (2) the clerks [~~county~~] records management and
- 15 preservation account . . . . . 57.1429 percent.

16           SECTION 24. Sections 135.102(b) and (c), Local Government  
17 Code, are amended to read as follows:

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

- 25           (1) the appellate judicial system
- 26 fund . . . . . 2.2422 percent;
- 27           (2) the court facility fee fund . . . . . 8.9686 percent;



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

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

- 25           (1) the clerk of the court account . . . 53.3333 percent;
- 26           (2) the clerks [~~county~~] records management and
- 27 preservation account . . . . . 6.6667 percent;

1           (3) the court-initiated guardianship fund . . . 26.6667  
2 percent; and

3           (4) the public probate administrator fund . . . 13.3333  
4 percent.

5           SECTION 25. Section 135.103(a), Local Government Code, is  
6 amended to read as follows:

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

14           SECTION 26. Section 135.154, Local Government Code, is  
15 amended to read as follows:

16           Sec. 135.154. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND  
17 PRESERVATION ACCOUNT. Money allocated under Section 135.101 or  
18 135.102 to the clerks [~~county~~] records management and preservation  
19 account maintained in the county treasury as required by Section  
20 135.151 may be used by a clerk [~~county~~] only to fund records  
21 management and preservation services, including automation,  
22 performed by the [~~court~~] clerk who collects the fee on approval by  
23 the commissioners court of a budget as provided by Chapter 111. An  
24 expenditure from the fund must comply with Subchapter C, Chapter  
25 262.

26           SECTION 27. (a) Effective September 1, 2023, the following  
27 laws are repealed:

- 1 (1) Article 26.057, Code of Criminal Procedure;
- 2 (2) Section 33.103(c), Estates Code;
- 3 (3) Sections 51.10(e), (k), and (l), Family Code;
- 4 (4) Section 53.03(d), Family Code;
- 5 (5) Section 54.0404(b), Family Code;
- 6 (6) Section 54.06, Family Code;
- 7 (7) Section 54.061, Family Code; and
- 8 (8) Section 56.01(1), Family Code.

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

11 SECTION 28. (a) Notwithstanding Section 51.607(c),  
12 Government Code, Sections 51.072(1) and 61.002, Family Code, as  
13 amended by this Act, and the repeal of Sections 51.10(e), (k), and  
14 (l), 53.03(d), 54.0404(b), and 56.01(1), Family Code, by this Act  
15 apply to the authority of a juvenile court to impose a fee or cost on  
16 or after September 1, 2023, regardless of whether the underlying  
17 action commenced before, on, or after September 1, 2023. The  
18 imposition of a fee or cost by a juvenile court before September 1,  
19 2023, is governed by the law in effect on the date the fee or cost  
20 was imposed, and the former law is continued in effect for that  
21 purpose.

22 (b) As soon as practicable after January 1, 2024, the Office  
23 of Court Administration of the Texas Judicial System shall develop  
24 and make available all forms and materials required by Section  
25 72.037, Government Code, as amended by this Act.

26 (c) The repeal of Article 26.057, Code of Criminal  
27 Procedure, by this Act, applies to a case transferred to a criminal

1 court under Section 54.02, Family Code, on or after September 1,  
2 2023. A case transferred to a criminal court before September 1,  
3 2023, is governed by the law in effect on the date the case was  
4 transferred, and the former law is continued in effect for that  
5 purpose.

6 (d) The repeal of Section 54.06, Family Code, by this Act  
7 applies only to an order for assignment of child support rendered on  
8 or after September 1, 2023. An order for assignment of child support  
9 rendered before September 1, 2023, is governed by the law in effect  
10 on the date the order was rendered, and the former law is continued  
11 in effect for that purpose.

12 SECTION 29. (a) Except as provided by Subsection (b) of this  
13 section or as otherwise provided by this Act, this Act takes effect  
14 January 1, 2024.

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

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

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

20 (3) Sections 51.072(1), 61.002, and 155.207(a), (b),  
21 and (e), Family Code, as amended by this Act; and

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