

BILL ANALYSIS

C.S.H.B. 3167
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Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over the past few years, the Legislature has created new filing fees. However, these fees have been primarily for dedicated purposes and not for the general support of the district clerks' offices, whose costs have risen considerably.

This is especially true in multi-plaintiff cases. During the 76th Legislature, the Office of Court Administration ("OCA") studied this issue and recommended that the filing fees in multi-plaintiff cases be increased to cover the extra expenses associated with these cases. C.S.H.B. 3167 creates a sliding scale of fees for lawsuits involving more than 10 plaintiffs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3167 amends the Government Code to remove the fee for filing a petition for preconviction writ of habeas corpus. For cases involving more than 10 plaintiffs, the bill creates the following filing fee schedule:

\$75 for 11-25 plaintiffs;
\$100 for 26-100 plaintiffs
\$125 for 101-500 plaintiffs
\$150 for 501-1,000 plaintiffs
\$200 for a suit with more than 1,000 plaintiffs

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original raised the filing fee collected by the district clerk from \$45 to \$60. The substitute keeps this fee at \$45.

The substitute, however, does retain the original's provision raising filing fees in cases with more than 10 plaintiffs. The sliding scale remains the same as the original, except that the substitute raises the fee for a suit with more than 1,000 plaintiffs to \$200.