

By: Hartnett

H.B. No. 1945

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain fees collected by clerks of county courts and
3 statutory county courts.

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

5 SECTION 1. Sections 25.0005(a), (b), and (e), Government
6 Code, are amended to read as follows:

7 (a) A statutory county court judge, other than a statutory
8 county court judge who engages in the private practice of law or a
9 judge in whose court fees and costs under Sections 51.702(a) and (b)
10 [~~Section 51.702~~] are not collected, shall be paid a total annual
11 salary set by the commissioners court at an amount that is at least
12 equal to the amount that is \$1,000 less than the total annual salary
13 received by a district judge in the county on August 31, 1999. A
14 district judge's or statutory county court judge's total annual
15 salary includes contributions and supplements, paid by the state or
16 a county, other than contributions received as compensation under
17 Section 74.051.

18 (b) Subject to any salary requirements otherwise imposed by
19 this chapter for a particular court or county, the commissioners
20 court sets the salary of each statutory county court judge who
21 engages in the private practice of law or in whose court fees and
22 costs under Sections 51.702(a) and (b) [~~Section 51.702~~] are not
23 collected.

24 (e) A county is not required to meet the salary requirements

1 of Subsection (a) for a particular court if:

2 (1) not later than September 1 of the year in which the
3 county initially begins collecting fees and costs under Sections
4 51.702(a) and (b) [~~Section 51.702~~], the county increases the salary
5 of each statutory county court judge in the county to an amount that
6 is at least \$28,000 more than the salary the judge was entitled to
7 on May 1 of the year the county initially begins collecting fees and
8 costs under Sections 51.702(a) and (b) [~~Section 51.702~~];

9 (2) the county pays at least the salary required by
10 Subdivision (1);

11 (3) the county collects the fees and costs as provided
12 by Sections 51.702(a) and (b) [~~Section 51.702~~];

13 (4) the court has at least the jurisdiction provided
14 by Section 25.0003; and

15 (5) except as provided by Subsection (f), the county
16 uses at least 50 percent of the amount the county receives each
17 state fiscal year under Section 25.0016 for salaries for the
18 statutory county court judges.

19 SECTION 2. Section 25.0015, Government Code, is amended to
20 read as follows:

21 Sec. 25.0015. STATE CONTRIBUTION. (a) Beginning on the
22 first day of the state fiscal year, the state shall annually
23 compensate each county that collects the additional fees and costs
24 under Sections 51.702(a) and (b) [~~Section 51.702~~] in an amount
25 equal to \$35,000 for each statutory county court judge in the county
26 who:

27 (1) does not engage in the private practice of law;

1 (2) presides over a court with at least the
2 jurisdiction provided by Section 25.0003; and

3 (3) except as provided by Section 25.0005(d), is not
4 excluded from the application of Section 25.0003 or Section
5 25.0005.

6 (b) For a county that participates under Section 51.702(f)
7 under a resolution adopted and filed with the comptroller before
8 September 1, 2003, the [The] amount shall be paid to the county's
9 salary fund in equal monthly installments, and of [~~—~~Of] each
10 \$35,000 paid a county, \$30,000 shall be paid from funds
11 appropriated from the judicial fund, and \$5,000 shall be paid from
12 funds appropriated from the general revenue fund.

13 (c) For a county that participates under Section 51.702(f)
14 under a resolution adopted or filed with the comptroller on or after
15 September 1, 2003, the amount shall be paid to the county's salary
16 fund in equal monthly installments from funds appropriated from the
17 judicial fund.

18 SECTION 3. Section 25.0292(f), Government Code, is amended
19 to read as follows:

20 (f) The Commissioners Court of Burnet County shall set the
21 salary of each judge of a county court at law who engages in the
22 private practice of law or in whose court fees and costs under
23 Sections 51.702(a) and (b) [~~Section 51.702~~] are not collected.

24 SECTION 4. Section 51.702, Government Code, is amended by
25 amending Subsections (d), (f), (g), (i), and (k) and adding
26 Subsections (l) and (m) to read as follows:

27 (d) The clerk shall send the fees and costs collected under

1 Subsections (a) and (b) [~~this section~~] to the comptroller at least
2 as frequently as monthly. The comptroller shall deposit the fees in
3 the judicial fund.

4 (f) Subsections (a)-(d) and (g)-(k) apply [~~This section~~
5 ~~applies~~] only to fees and costs for a 12-month period beginning July
6 1 in a county in which the commissioners court:

7 (1) adopts a resolution authorizing the fees and costs
8 under Subsections (a) and (b) [~~this section~~]; and

9 (2) files the resolution with the comptroller not
10 later than June 1 immediately preceding the first 12-month period
11 during which the fees and costs are to be collected.

12 (g) A resolution under Subsection (f) continues from year to
13 year allowing the county to collect fees and costs under
14 Subsections (a) and (b) under the terms of this section until the
15 resolution is rescinded.

16 (i) A county that is not eligible to participate under
17 Subsection (f) on July 1 of a year but is eligible to participate
18 later in the year may submit a resolution meeting the requirements
19 of Subsection (f) to the comptroller. The comptroller shall
20 determine the date the county may begin to collect fees and costs
21 under Subsections (a) and (b) [~~this section~~]. A county that begins
22 to collect fees and costs under Subsections (a) and (b) [~~this~~
23 ~~section~~] after July 1 is not eligible for a payment by the
24 comptroller under Section 25.0015 until the 60th day after the date
25 the comptroller determines the county may begin to collect fees and
26 costs under Subsections (a) and (b) [~~this section~~].

27 (k) Money collected under Subsections (a) and (b) [~~this~~

1 ~~section]~~ after a county ceases to participate in the collection of
2 additional fees and costs under Subsections (a) and (b) [~~this~~
3 ~~section]~~ shall be remitted to the comptroller. The money shall be
4 deposited in the judicial fund and shall be distributed to counties
5 currently participating under this section in the manner described
6 in Section 25.0005.

7 (l) In a county in which court costs are not collected under
8 Subsection (b), a person shall pay, in addition to other court
9 costs, \$15 as a court cost on conviction of any criminal offense in
10 a statutory county court, including cases in which probation or
11 deferred adjudication is granted. A conviction that arises under
12 Chapter 521, Transportation Code, or a conviction under Subtitle C,
13 Title 7, Transportation Code, is included, except that a conviction
14 arising under any law that regulates pedestrians or the parking of
15 motor vehicles is not included.

16 (m) Court costs due under Subsection (l) shall be collected
17 in the same manner as other fees, fines, and costs are collected in
18 the case. The clerk shall send the costs to the county treasurer or
19 other person performing the duties of county treasurer at least as
20 frequently as monthly. The county treasurer or other person shall
21 deposit the costs collected in the county treasury.

22 SECTION 5. Section 51.703, Government Code, is amended by
23 adding Subsection (f) to read as follows:

24 (f) A clerk may not collect a fee under this section and
25 under Section 51.702(a).

26 SECTION 6. The change in law made by this Act applies only
27 to a civil case filed or court costs imposed on conviction of an

1 offense committed on or after the effective date of this Act. For
2 purposes of this section, an offense is committed before the
3 effective date of this Act if any element of the offense occurs
4 before that date. A civil case filed or court costs imposed on
5 conviction of an offense committed before the effective date of
6 this Act are governed by the law in effect on the date the case was
7 filed or the offense was committed, and the former law is continued
8 in effect for that purpose.

9 SECTION 7. This Act takes effect September 1, 2003.