

1-1 By: Hartnett (Senate Sponsor - Averitt) H.B. No. 1945
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2003, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain fees collected by clerks of county courts and
1-9 statutory county courts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 25.0005(a), (b), and (e), Government
1-12 Code, are amended to read as follows:

1-13 (a) A statutory county court judge, other than a statutory
1-14 county court judge who engages in the private practice of law or a
1-15 judge in whose court fees and costs under Sections 51.702(a) and (b)
1-16 [~~Section 51.702~~] are not collected, shall be paid a total annual
1-17 salary set by the commissioners court at an amount that is at least
1-18 equal to the amount that is \$1,000 less than the total annual salary
1-19 received by a district judge in the county on August 31, 1999. A
1-20 district judge's or statutory county court judge's total annual
1-21 salary includes contributions and supplements, paid by the state or
1-22 a county, other than contributions received as compensation under
1-23 Section 74.051.

1-24 (b) Subject to any salary requirements otherwise imposed by
1-25 this chapter for a particular court or county, the commissioners
1-26 court sets the salary of each statutory county court judge who
1-27 engages in the private practice of law or in whose court fees and
1-28 costs under Sections 51.702(a) and (b) [~~Section 51.702~~] are not
1-29 collected.

1-30 (e) A county is not required to meet the salary requirements
1-31 of Subsection (a) for a particular court if:

1-32 (1) not later than September 1 of the year in which the
1-33 county initially begins collecting fees and costs under Sections
1-34 51.702(a) and (b) [~~Section 51.702~~], the county increases the salary
1-35 of each statutory county court judge in the county to an amount that
1-36 is at least \$28,000 more than the salary the judge was entitled to
1-37 on May 1 of the year the county initially begins collecting fees and
1-38 costs under Sections 51.702(a) and (b) [~~Section 51.702~~];

1-39 (2) the county pays at least the salary required by
1-40 Subdivision (1);

1-41 (3) the county collects the fees and costs as provided
1-42 by Sections 51.702(a) and (b) [~~Section 51.702~~];

1-43 (4) the court has at least the jurisdiction provided
1-44 by Section 25.0003; and

1-45 (5) except as provided by Subsection (f), the county
1-46 uses at least 50 percent of the amount the county receives each
1-47 state fiscal year under Section 25.0016 for salaries for the
1-48 statutory county court judges.

1-49 SECTION 2. Section 25.0015, Government Code, is amended to
1-50 read as follows:

1-51 Sec. 25.0015. STATE CONTRIBUTION. (a) Beginning on the
1-52 first day of the state fiscal year, the state shall annually
1-53 compensate each county that collects the additional fees and costs
1-54 under Sections 51.702(a) and (b) [~~Section 51.702~~] in an amount
1-55 equal to \$35,000 for each statutory county court judge in the county
1-56 who:

1-57 (1) does not engage in the private practice of law;

1-58 (2) presides over a court with at least the
1-59 jurisdiction provided by Section 25.0003; and

1-60 (3) except as provided by Section 25.0005(d), is not
1-61 excluded from the application of Section 25.0003 or Section
1-62 25.0005.

1-63 (b) For a county that participates under Section 51.702(f)
1-64 under a resolution adopted and filed with the comptroller before

2-1 September 1, 2003, the [The] amount shall be paid to the county's
 2-2 salary fund in equal monthly installments, and of [~~—~~ Of] each
 2-3 \$35,000 paid a county, \$30,000 shall be paid from funds
 2-4 appropriated from the judicial fund, and \$5,000 shall be paid from
 2-5 funds appropriated from the general revenue fund.

2-6 (c) For a county that participates under Section 51.702(f)
 2-7 under a resolution adopted or filed with the comptroller on or after
 2-8 September 1, 2003, the amount shall be paid to the county's salary
 2-9 fund in equal monthly installments from funds appropriated from the
 2-10 judicial fund.

2-11 SECTION 3. Section 25.0292(f), Government Code, is amended
 2-12 to read as follows:

2-13 (f) The Commissioners Court of Burnet County shall set the
 2-14 salary of each judge of a county court at law who engages in the
 2-15 private practice of law or in whose court fees and costs under
 2-16 Sections 51.702(a) and (b) [~~Section 51.702~~] are not collected.

2-17 SECTION 4. Section 51.702, Government Code, is amended by
 2-18 amending Subsections (d), (f), (g), (i), and (k) and adding
 2-19 Subsections (l) and (m) to read as follows:

2-20 (d) The clerk shall send the fees and costs collected under
 2-21 Subsections (a) and (b) [~~this section~~] to the comptroller at least
 2-22 as frequently as monthly. The comptroller shall deposit the fees in
 2-23 the judicial fund.

2-24 (f) Subsections (a)-(d) and (g)-(k) apply [~~This section~~
 2-25 applies] only to fees and costs for a 12-month period beginning July
 2-26 1 in a county in which the commissioners court:

2-27 (1) adopts a resolution authorizing the fees and costs
 2-28 under Subsections (a) and (b) [~~this section~~]; and

2-29 (2) files the resolution with the comptroller not
 2-30 later than June 1 immediately preceding the first 12-month period
 2-31 during which the fees and costs are to be collected.

2-32 (g) A resolution under Subsection (f) continues from year to
 2-33 year allowing the county to collect fees and costs under
 2-34 Subsections (a) and (b) under the terms of this section until the
 2-35 resolution is rescinded.

2-36 (i) A county that is not eligible to participate under
 2-37 Subsection (f) on July 1 of a year but is eligible to participate
 2-38 later in the year may submit a resolution meeting the requirements
 2-39 of Subsection (f) to the comptroller. The comptroller shall
 2-40 determine the date the county may begin to collect fees and costs
 2-41 under Subsections (a) and (b) [~~this section~~]. A county that begins
 2-42 to collect fees and costs under Subsections (a) and (b) [~~this~~
 2-43 section] after July 1 is not eligible for a payment by the
 2-44 comptroller under Section 25.0015 until the 60th day after the date
 2-45 the comptroller determines the county may begin to collect fees and
 2-46 costs under Subsections (a) and (b) [~~this section~~].

2-47 (k) Money collected under Subsections (a) and (b) [~~this~~
 2-48 section] after a county ceases to participate in the collection of
 2-49 additional fees and costs under Subsections (a) and (b) [~~this~~
 2-50 section] shall be remitted to the comptroller. The money shall be
 2-51 deposited in the judicial fund and shall be distributed to counties
 2-52 currently participating under this section in the manner described
 2-53 in Section 25.0005.

2-54 (l) In a county in which court costs are not collected under
 2-55 Subsection (b), a person shall pay, in addition to other court
 2-56 costs, \$15 as a court cost on conviction of any criminal offense in
 2-57 a statutory county court, including cases in which probation or
 2-58 deferred adjudication is granted. A conviction that arises under
 2-59 Chapter 521, Transportation Code, or a conviction under Subtitle C,
 2-60 Title 7, Transportation Code, is included, except that a conviction
 2-61 arising under any law that regulates pedestrians or the parking of
 2-62 motor vehicles is not included.

2-63 (m) Court costs due under Subsection (l) shall be collected
 2-64 in the same manner as other fees, fines, and costs are collected in
 2-65 the case. The clerk shall send the costs to the county treasurer or
 2-66 other person performing the duties of county treasurer at least as
 2-67 frequently as monthly. The county treasurer or other person shall
 2-68 deposit the costs collected in the county treasury.

2-69 SECTION 5. Section 51.703, Government Code, is amended by

3-1 adding Subsection (f) to read as follows:

3-2 (f) A clerk may not collect a fee under this section and
3-3 under Section 51.702(a).

3-4 SECTION 6. The change in law made by this Act applies only
3-5 to a civil case filed or court costs imposed on conviction of an
3-6 offense committed on or after the effective date of this Act. For
3-7 purposes of this section, an offense is committed before the
3-8 effective date of this Act if any element of the offense occurs
3-9 before that date. A civil case filed or court costs imposed on
3-10 conviction of an offense committed before the effective date of
3-11 this Act are governed by the law in effect on the date the case was
3-12 filed or the offense was committed, and the former law is continued
3-13 in effect for that purpose.

3-14 SECTION 7. This Act takes effect September 1, 2003.

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