

By: Armbrister

S.B. No. 325

A BILL TO BE ENTITLED

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AN ACT

relating to the implementation of a change in law imposing or changing the amount of certain court costs and fees.

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

SECTION 1. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.607 to read as follows:

Sec. 51.607. IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES. (a) Following each regular session of the legislature, the comptroller shall identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency. This subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) The comptroller shall prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and shall publish the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law

1 imposing or changing the amount of the cost or fee was enacted. The
2 comptroller shall include with the list a statement describing the
3 operation of this section and stating the date the imposition or
4 change in the amount of the court cost or fee will take effect under
5 Subsection (c).

6 (c) Notwithstanding the effective date of the law imposing
7 or changing the amount of a court cost or fee included on the list,
8 the imposition or change in the amount of the court cost or fee does
9 not take effect until the next January 1 after the law takes effect.

10 (d) This section does not apply to a court cost or fee if the
11 law imposing or changing the amount of the cost or fee:

12 (1) expressly provides that this section does not
13 apply to the imposition or change in the amount of the cost or fee;
14 or

15 (2) takes effect before August 1 or after the next
16 January 1 following the regular session of the legislature at which
17 the law was enacted.

18 SECTION 2. (a) Section 51.607, Government Code, as added
19 by this Act, does not apply to a law that takes effect before
20 September 1, 2003.

21 (b) Section 51.607, Government Code, as added by this Act,
22 applies to a law enacted by the 78th Legislature, Regular Session,
23 2003, that takes effect on or after September 1, 2003, but only if
24 this Act takes effect before July 1, 2003.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.