

By: Armbrister

S.B. No. 325

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the implementation of a change in law imposing or  
3 changing the amount of certain court costs and fees.

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

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

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

21 (b) The comptroller shall prepare a list of each court cost  
22 or fee covered by Subsection (a) to be imposed or changed and shall  
23 publish the list in the Texas Register not later than August 1 after  
24 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.