

By: Carona

S.B. No. 768

A BILL TO BE ENTITLED

AN ACT

relating to additional court filing fees to pay operating expenses of the courts of appeals.

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

SECTION 1. Section 51.207, Government Code, is amended by amending Subsections (b), (e), and (g) and adding Subsections (f) and (h) to read as follows:

(b) The fees are:

(1) for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals district \$175 [~~\$100~~]

(2) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the court of appeals \$ 50

(3) additional fee if the motion under Subdivision (2) is granted \$ 75

(4) motion to file or to extend time to file record on appeal from district or county court \$ 10

(e) Except as provided by Subsection (f), the [~~The~~] clerk of a court of appeals shall pay into the state treasury the fees and costs under rules prescribed by the comptroller of public accounts and approved by the justices of the clerk's court. The clerk shall make a sworn report to the court not later than January 10 and July 10 of each year regarding the amount of costs collected in the

1 previous six months, the cases in which the costs were collected,
2 and the disposition of the costs. This report shall be filed with
3 the financial records of the court.

4 (f) The clerk of a court of appeals shall retain a portion of
5 each fee collected under Subsection (b)(1) equal to \$50 plus any
6 additional amount authorized under Subsection (h) to pay operating
7 expenses of the court. The retained portion may not be used to pay
8 salaries for court personnel.

9 (g) One-half of the fees collected under this section and
10 paid into the state treasury under Subsection (e) shall be
11 deposited to the credit of the judicial fund.

12 (h) The justices of a court of appeals may, by majority
13 vote, increase the fee collected under Subsection (b)(1) by an
14 amount that is necessary to pay operating expenses of the court, not
15 to exceed \$75.

16 SECTION 2. Section 56.002, Government Code, is amended to
17 read as follows:

18 Sec. 56.002. FEES COLLECTED BY CLERKS OF COURTS OF APPEALS.
19 Fifty percent of the fees collected by the clerks of the courts of
20 appeals and paid into the state treasury under Section 51.207(e)
21 [~~51.207~~] shall be deposited in the state treasury in the judicial
22 and court personnel training fund for the continuing legal
23 education of judges and of court personnel.

24 SECTION 3. (a) This Act takes effect September 1, 2003.

25 (b) Sections 51.207 and 56.002, Government Code, as amended
26 by this Act, apply only to a filing fee collected for a case
27 appealed to and filed in a court of appeals on or after September 1,

1 2003. The filing fee collected for a case appealed to and filed in a
2 court of appeals before September 1, 2003, is governed by the law in
3 effect on the date the appeal was filed, and the former law is
4 continued in effect for that purpose.