

By: Ellis

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the compensation of state judges and to providing funds
3 for other court-related purposes.

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

5 SECTION 1. Subsections (a) and (d), Section 659.012,
6 Government Code, are amended to read as follows:

7 (a) Notwithstanding Section 659.011:

8 (1) a judge of a district court is entitled to an
9 annual salary from the state of at least \$125,000, except that the
10 combined salary of a district judge from state and county sources,
11 including compensation for any extrajudicial services performed on
12 behalf of the county, may not exceed the amount that is \$5,000 less
13 than the salary provided for a justice of a court of appeals other
14 than a chief justice [~~justice of the supreme court is entitled to an~~
15 ~~annual salary from the state that is at least \$102,463~~];

16 (2) a justice of a court of appeals other than the
17 chief justice is entitled to an annual salary from the state that is
18 equal to 110 percent of the salary of a district judge [~~five percent~~
19 ~~less than the salary provided by the General Appropriations Act for~~
20 ~~a justice of the supreme court~~], except that the combined salary of
21 a justice of the court of appeals other than the chief justice from
22 all state and county sources, including compensation for any
23 extrajudicial services performed on behalf of the county, may not
24 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary

1 provided for a justice of the supreme court;

2 (3) a justice of the supreme court other than the chief
3 justice or a judge of the court of criminal appeals other than the
4 presiding judge is entitled to an annual salary from the state that
5 is equal to 120 percent of the salary of a district judge; and

6 (4) the chief justice or presiding judge of an
7 appellate [a] court [~~of appeals~~] is entitled to an annual salary
8 from the state that is \$2,500 more than the salary provided for the
9 other justices or judges of the court [~~of appeals~~], except that the
10 combined salary of the chief justice of a court of appeals may not
11 exceed the amount that is \$2,500 [~~\$500~~] less than the salary
12 provided for a justice of the supreme court [~~, and~~

13 [~~(4) a judge of a district court is entitled to an~~
14 ~~annual salary from the state that is 10 percent less than the salary~~
15 ~~provided in the General Appropriations Act for a justice of the~~
16 ~~supreme court, except that unless otherwise provided by law, the~~
17 ~~combined salary of a district judge from state and county sources~~
18 ~~may not exceed the amount that is \$2,000 less than the salary~~
19 ~~provided for a justice of the supreme court].~~

20 (d) In a county with more than five district courts, a
21 district judge who serves as a local administrative district judge
22 under Section 74.091 is entitled to an annual salary from the state
23 that is \$5,000 more than the salary from the state to which the
24 judge is otherwise entitled under Subsection (a)(1) [~~(e)~~].

25 SECTION 2. Section 659.0125, Government Code, is amended to
26 read as follows:

27 Sec. 659.0125. SALARY FOR LOCAL ADMINISTRATIVE JUDGE. In a

1 county with more than six district courts, a district judge who
2 serves as a local administrative district judge under Section
3 74.091 is entitled to an annual salary from the state that is \$5,000
4 more than the salary from the state to which the judge is otherwise
5 entitled under Section 659.012 [~~659.012(e)~~].

6 SECTION 3. Section 152.0003, Human Resources Code, is
7 amended to read as follows:

8 Sec. 152.0003. COMPENSATION. The compensation authorized
9 under this chapter for a judge serving on a juvenile board is in
10 addition to all other compensation provided or allowed by law for a
11 judge. Notwithstanding any other law, the combined salary of a
12 district judge serving on a juvenile board may not exceed an amount
13 that is \$5,000 less than the combined salary provided for a justice
14 of a court of appeals other than the chief justice.

15 SECTION 4. Subchapter C, Chapter 72, Government Code, is
16 amended by adding Section 72.030 to read as follows:

17 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL
18 TURNOVER. (a) The office biennially shall collect data relating
19 to:

20 (1) the rate at which state judges resign from office
21 or do not seek reelection; and

22 (2) the reason for action under Subdivision (1).

23 (b) Not later than December 1 of each even-numbered year,
24 the office shall file a report containing the data collected under
25 Subsection (a) for the preceding state fiscal biennium with the
26 lieutenant governor, the speaker of the house of representatives,
27 and the presiding officers of the standing committees of each house

1 of the legislature with jurisdiction over the judiciary or
2 appropriations.

3 (c) The report filed under Subsection (b) must include the
4 following findings:

5 (1) whether the compensation of state judges exceeds,
6 is equal to, or is less than the compensation of judges at
7 corresponding levels in the five states closest in population to
8 this state; and

9 (2) whether the compensation of state judges exceeds,
10 is equal to, or is less than the average salary of lawyers engaged
11 in the private practice of law, using data collected by the state
12 bar under Section 81.116.

13 (d) The purpose of the report under this section is to
14 provide the legislature with information to facilitate legislation
15 that ensures that the compensation of state judges is adequate and
16 appropriate.

17 SECTION 5. Subchapter H, Chapter 81, Government Code, is
18 amended by adding Section 81.116 to read as follows:

19 Sec. 81.116. COLLECTION OF DATA RELATING TO ATTORNEY
20 COMPENSATION. (a) The state bar shall biennially collect data
21 relating to the compensation of lawyers engaged in the private
22 practice of law.

23 (b) Not later than December 1 of each even-numbered year,
24 the state bar shall file a report containing the data collected
25 under Subsection (a) for the preceding state fiscal biennium with
26 the lieutenant governor, the speaker of the house of
27 representatives, and the presiding officers of the standing

1 committees of each house of the legislature with jurisdiction over
2 the judiciary or appropriations.

3 SECTION 6. Section 133.003, Local Government Code, is
4 amended to conform to Senate Bill No. 1704, Acts of the 79th
5 Legislature, Regular Session, 2005, and amended to read as follows:

6 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
7 following criminal fees:

8 (1) the consolidated fee imposed under Section
9 133.102;

10 (2) the time payment fee imposed under Section
11 133.103;

12 (3) fees for services of peace officers employed by
13 the state imposed under Article 102.011, Code of Criminal
14 Procedure, and forwarded to the comptroller as provided by Section
15 133.104;

16 (4) costs on conviction imposed in certain statutory
17 county courts under Section 51.702, Government Code, and deposited
18 in the judicial fund;

19 (5) costs on conviction imposed in certain county
20 courts under Section 51.703, Government Code, and deposited in the
21 judicial fund;

22 (6) the administrative fee for failure to appear or
23 failure to pay or satisfy a judgment imposed under Section 706.006,
24 Transportation Code; ~~and~~

25 (7) fines on conviction imposed under Section
26 621.506(g), Transportation Code;

27 (8) the fee imposed under Article 102.0045, Code of

1 Criminal Procedure; and

2 (9) the cost on conviction imposed under Section
3 133.105.

4 SECTION 7. Section 133.004, Local Government Code, is
5 amended to read as follows:

6 Sec. 133.004. CIVIL FEES. This chapter applies to the
7 following civil fees:

8 (1) the consolidated fee on filing in district court
9 imposed under Section 133.151;

10 (2) the filing fee in district court for basic civil
11 legal services for indigents imposed under Section 133.152;

12 (3) the filing fee in courts other than district court
13 for basic civil legal services for indigents imposed under Section
14 133.153;

15 (4) the filing fees for the judicial fund imposed in
16 certain statutory county courts under Section 51.702, Government
17 Code;

18 (5) the filing fees for the judicial fund imposed in
19 certain county courts under Section 51.703, Government Code;

20 (6) the filing fees for the judicial fund imposed in
21 certain statutory probate courts under Section 51.704, Government
22 Code;

23 (7) fees collected under Section 118.015;

24 (8) marriage license fees for the family trust fund
25 collected under Section 118.018; ~~and~~

26 (9) marriage license or declaration of informal
27 marriage fees for the child abuse and neglect prevention trust fund

1 account collected under Section 118.022; and

2 (10) the filing fee imposed in district court,
3 statutory county court, and county court under Section 133.154.

4 SECTION 8. Subchapter C, Chapter 133, Local Government
5 Code, is amended by adding Section 133.105 to read as follows:

6 Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES.

7 (a) A person convicted of any offense, other than an offense
8 relating to a pedestrian or the parking of a motor vehicle, shall
9 pay as a court cost, in addition to all other costs, a fee of \$7 to
10 be used for court-related purposes for the support of the
11 judiciary.

12 (b) The treasurer shall deposit 60 cents of each fee
13 collected under this section in the general fund of the
14 municipality to promote the efficient operation of the municipal
15 court and the investigation, prosecution, and enforcement of
16 municipal and state offenses that are within the jurisdiction of
17 the municipal court.

18 (c) The treasurer shall remit \$3 of each fee collected under
19 this section to the comptroller for deposit in the fair defense
20 account.

21 (d) The treasurer shall remit the remainder of the fees
22 collected under this section to the comptroller in the manner
23 provided by Subchapter B.

24 SECTION 9. Subchapter D, Chapter 133, Local Government
25 Code, is amended by adding Section 133.154 to read as follows:

26 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT,
27 STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY.

1 (a) In addition to other fees authorized or required by law, the
2 clerk of a district court, statutory county court, or county court
3 shall collect a fee of \$37 on the filing of any civil suit to be used
4 for court-related purposes for the support of the judiciary.

5 (b) The treasurer shall remit the fees collected under this
6 section to the comptroller in the manner provided by Subchapter B.

7 SECTION 10. Subchapter D, Chapter 101, Government Code, is
8 amended by adding Section 101.062 to read as follows:

9 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
10 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
11 collect on the filing of a civil suit an additional filing fee of
12 \$37 under Section 133.154, Local Government Code, to be used for
13 court-related purposes for the support of the judiciary.

14 SECTION 11. Subchapter E, Chapter 101, Government Code, is
15 amended by adding Section 101.083 to read as follows:

16 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
17 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
18 county court shall collect on the filing of a civil suit an
19 additional filing fee of \$37 under Section 133.154, Local
20 Government Code, to be used for court-related purposes for the
21 support of the judiciary.

22 SECTION 12. Subchapter G, Chapter 101, Government Code, is
23 amended by adding Section 101.123 to read as follows:

24 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
25 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on
26 the filing of a civil suit an additional filing fee of \$37 under
27 Section 133.154, Local Government Code, to be used for

1 court-related purposes for the support of the judiciary.

2 SECTION 13. Subchapter B, Chapter 102, Government Code, is
3 amended by adding Section 102.022 to read as follows:

4 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
5 JUDICIARY. A person convicted of any offense, other than an offense
6 relating to a pedestrian or the parking of a motor vehicle, shall
7 pay a cost on conviction of \$7 under Section 133.105, Local
8 Government Code.

9 SECTION 14. Section 51.607, Government Code, does not apply
10 to court costs or fees imposed under this Act.

11 SECTION 15. (a) Not later than January 1, 2006, the Office
12 of Court Administration of the Texas Judicial System shall begin
13 collecting the data required by Section 72.030, Government Code, as
14 added by this Act.

15 (b) Not later than January 1, 2006, the State Bar of Texas
16 shall begin collecting the data required by Section 81.116,
17 Government Code, as added by this Act.

18 SECTION 16. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect on the 91st day after the last day of
23 the legislative session.