

By: Keffer of Dallas

H.B. No. 1477

A BILL TO BE ENTITLED

AN ACT

relating to jury service.

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

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

SUBCHAPTER N. ADDITIONAL FILING FEE FOR LENGTHY TRIAL TRUST FUND

Sec. 51.981. ADDITIONAL FILING FEE FOR LENGTHY TRIAL TRUST FUND. (a) In addition to other fees authorized or required by law, the clerk of each district court, county court, county court at law, or justice court shall collect a fee of \$20 on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee.

(b) Court fees collected under this subchapter shall be collected in the same manner as other fees, fines, or costs in the case.

(c) The clerk shall remit the fees collected under Subsection (a) at least as frequently as monthly to the county treasurer or the person who performs the duties of the county treasurer. The county treasurer or the person who performs the duties of the county treasurer shall remit the fees collected to the comptroller not later than the 10th day after the end of each quarter.

1       (d) The comptroller shall deposit the fees received under  
2 this section to the credit of the lengthy trial trust fund for use  
3 by the Office of Court Administration of the Texas Judicial System  
4 in accordance with this subchapter.

5       Sec. 51.982. EXEMPTIONS. The following are exempt from  
6 paying the filing fee imposed by Section 51.981(a):

7           (1) a local, state, or federal government;

8           (2) a pro se litigant;

9           (3) a plaintiff or defendant in an action seeking:

10                   (A) a social security benefits disability  
11 determination;

12                   (B) compensation for a service-connected  
13 disability, as defined by the Department of Veterans Affairs;

14                   (C) recoupment of a loan made under a guaranteed  
15 loan program of the United States government or a state government;  
16 or

17                   (D) support of or access to a child;

18           (4) a plaintiff or defendant who is indigent; and

19           (5) a plaintiff or defendant in any other action or  
20 proceeding designated by rule to:

21                   (A) involve a minimal amount of court resources;

22 and

23                   (B) be the kind of action that customarily does  
24 not involve a trial by jury.

25       Sec. 51.983. RULES. The Office of Court Administration of  
26 the Texas Judicial System shall adopt rules and procedures for the  
27 distribution of funds collected under this subchapter and rules

1 regarding actions and proceedings described by Section 51.982(5).

2 Sec. 51.984. LENGTHY TRIAL TRUST FUND. (a) The lengthy  
3 trial trust fund is a trust fund outside the state treasury held by  
4 the comptroller and shall be made available to the Office of Court  
5 Administration of the Texas Judicial System for expenditures  
6 without legislative appropriation to make lengthy trial  
7 reimbursements for jurors available to a court described by Section  
8 51.981(a) or Article 102.0045(a), Code of Criminal Procedure.

9 (b) The office of court administration may disburse funds  
10 from the lengthy trial trust fund only to pay jurors who qualify for  
11 reimbursement under Section 62.022.

12 (c) The office of court administration shall file an annual  
13 report with the Legislative Budget Board describing the amounts  
14 collected for and disbursed from the trust fund. All funds expended  
15 are subject to audit by the comptroller and the state auditor.

16 (d) At the end of each fiscal year, the comptroller shall  
17 transfer one-half of any unencumbered amount in the lengthy trial  
18 trust fund in excess of \$500,000 to the credit of the judicial fund,  
19 and the comptroller shall transfer the other one-half of that  
20 amount to the credit of the judicial and court personnel training  
21 fund.

22 SECTION 2. Subchapter A, Chapter 102, Code of Criminal  
23 Procedure, is amended by adding Article 102.0045 to read as  
24 follows:

25 Art. 102.0045. FEE FOR LENGTHY TRIAL TRUST FUND. (a) A  
26 defendant convicted of an offense in a district court, county  
27 court, county court at law, or justice court shall pay a \$20 lengthy

1 trial trust fund fee as a cost of court.

2 (b) In this article, a person is considered convicted if:

3 (1) a sentence is imposed on the person;

4 (2) the person receives community supervision,  
5 including deferred adjudication; or

6 (3) the court defers final disposition of the person's  
7 case.

8 (c) The following are exempt from paying the fee on  
9 conviction imposed by Subsection (a) of this article:

10 (1) a defendant who is indigent; and

11 (2) a defendant in an action or proceeding designated  
12 by rule to:

13 (A) involve a minimal amount of court resources;  
14 and

15 (B) be the kind of action that customarily does  
16 not involve a trial by jury.

17 (d) The comptroller shall deposit the fees received under  
18 this article to the credit of the lengthy trial trust fund for use  
19 by the Office of Court Administration of the Texas Judicial System  
20 in accordance with Subchapter N, Chapter 51, Government Code.

21 (e) The office of court administration shall adopt rules and  
22 procedures for the distribution of funds collected under this  
23 article and rules regarding actions and proceedings described by  
24 Subsection (c)(2) of this article.

25 SECTION 3. Section 62.0141, Government Code, is amended to  
26 read as follows:

27 Sec. 62.0141. FAILURE TO ANSWER JURY SUMMONS. In addition

1 to any criminal penalty prescribed by law, a person summoned for  
2 jury service who does not comply with the summons as required by law  
3 or who knowingly provides false information in a request for an  
4 exemption or to be excused from jury service is subject to a  
5 contempt action punishable by a fine of not less than \$100 nor more  
6 than \$1,000.

7 SECTION 4. Subchapter A, Chapter 62, Government Code, is  
8 amended by adding Sections 62.0142, 62.022, and 62.023 to read as  
9 follows:

10 Sec. 62.0142. POSTPONEMENT OF JURY SERVICE. (a) A person  
11 summoned for jury service may request a postponement of the  
12 person's initial appearance for jury service. The person may  
13 request the postponement by contacting the clerk of the court in  
14 person, in writing, or by telephone before the date on which the  
15 person is summoned to appear.

16 (b) On receipt of a request under Subsection (a), the clerk  
17 of the court shall grant the person a postponement if:

18 (1) the person has not been granted a postponement in  
19 that county during the one-year period preceding the date on which  
20 the person is summoned to appear; and

21 (2) the person and the clerk determine a substitute  
22 date on which the person will appear for jury service that is not  
23 later than six months after the date on which the person was  
24 originally summoned to appear.

25 (c) A person who receives a postponement under Subsection  
26 (b) may request a subsequent postponement in the manner described  
27 by Subsection (a). The clerk of the court may approve the

1 subsequent postponement only because of an extreme emergency that  
2 could not have been anticipated, such as a death in the person's  
3 family, sudden serious illness suffered by the person, or a natural  
4 disaster or national emergency in which the person is personally  
5 involved. Before the clerk may grant the subsequent postponement,  
6 the person and the clerk must determine a substitute date on which  
7 the person will appear for jury service that is not later than six  
8 months after the date on which the person was to appear after the  
9 postponement under Subsection (b).

10 Sec. 62.022. ADDITIONAL REIMBURSEMENT FOR PETIT JURORS.

11 (a) In addition to the reimbursement provided by Section 61.001, a  
12 petit juror in a civil or criminal case tried in a district court,  
13 county court, county court at law, or justice court may be  
14 reimbursed from the lengthy trial trust fund established under  
15 Subchapter N, Chapter 51, for costs incurred due to jury service for  
16 each day or fraction of each day on which the person served on a jury  
17 after the fifth day of that service. A juror is eligible for  
18 reimbursement under this subsection if the court finds that, as a  
19 result of the jury service and despite any reimbursement to which  
20 the juror is entitled under Subsection (b), the juror incurred  
21 costs that have a substantial adverse effect on the necessary daily  
22 living expenses of the juror or persons for whom the juror provides  
23 the primary financial support. Reimbursement under this subsection  
24 may not exceed \$100 for each day or fraction of each day for which  
25 reimbursement is paid.

26 (b) In addition to the reimbursement provided by Section  
27 61.001, a petit juror in a civil or criminal case tried in a

1 district court, county court, county court at law, or justice court  
2 may be reimbursed from the lengthy trial trust fund established  
3 under Subchapter N, Chapter 51, for any income the person did not  
4 receive due to jury service for each day or fraction of each day on  
5 which the person served on a jury after the fifth day of that  
6 service, minus any amount the person's employer paid to the person  
7 during that service after the fifth day. Reimbursement under this  
8 subsection may not exceed \$300 for each day or fraction of each day  
9 for which the reimbursement is paid.

10 (c) To receive reimbursement from the lengthy trial trust  
11 fund, a petit juror who qualifies under Subsection (a) or (b) must  
12 submit a request for reimbursement to the court in which the case  
13 for which the person served as a juror was tried. The request must  
14 be made on a form provided to the court by the Office of Court  
15 Administration of the Texas Judicial System and must include:

16 (1) the amount of the person's regular compensation  
17 when not serving as a juror;

18 (2) the amount the employer paid to the person during  
19 the person's jury service;

20 (3) verification of the amounts described by  
21 Subdivisions (1) and (2), as required by the office of court  
22 administration;

23 (4) an affidavit stating the person's approximate  
24 gross weekly income if the person is self-employed or receives  
25 income in addition to compensation from an employer;

26 (5) the amount requested as reimbursement from the  
27 lengthy trial trust fund; and

1           (6) any other information the office of court  
2 administration finds necessary.

3           (d) The court shall certify a request for reimbursement from  
4 the lengthy trial trust fund and send the request to the office of  
5 court administration. The office of court administration shall pay  
6 the reimbursement directly to the person who served on the jury.

7           Sec. 62.023. LIMITATION ON LENGTH OF SERVICE. A person is  
8 not required to appear for jury service for more than one day unless  
9 the person is selected to serve on a particular jury or is being  
10 considered to serve on a particular jury. Once selected, a juror  
11 shall serve on the jury until the jury renders a verdict, unless  
12 excused by the court.

13           SECTION 5. Section 62.106(a), Government Code, is amended  
14 to read as follows:

15           (a) A person qualified to serve as a petit juror may  
16 establish an exemption from jury service if the person:

17                 (1) is over 70 years of age;

18                 (2) has legal custody of a child younger than 10 years  
19 of age and the person's service on the jury requires leaving the  
20 child without adequate supervision;

21                 (3) is a student of a public or private secondary  
22 school;

23                 (4) is a person enrolled and in actual attendance at an  
24 institution of higher education;

25                 (5) is an officer or an employee of the senate, the  
26 house of representatives, or any department, commission, board,  
27 office, or other agency in the legislative branch of state



1 government and the person is required to appear during a regular or  
2 special session of the legislature;

3 (6) is summoned for service in a county with a  
4 population of at least 200,000, unless that county uses a jury plan  
5 under Section 62.011 and the period authorized under Section  
6 62.011(b)(5) exceeds two years, and the person has served as a petit  
7 juror in the county during the 24-month period preceding the date  
8 the person is to appear for jury service;

9 (7) is the primary caretaker of a person who is an  
10 invalid unable to care for himself;

11 (8) except as provided by Subsection (b), is summoned  
12 for service in a county with a population of at least 250,000 and  
13 the person has served as a petit juror in the county during the  
14 three-year period preceding the date the person is to appear for  
15 jury service; or

16 (9) is a member of the United States military forces  
17 serving on active duty and deployed to a location away from the  
18 person's home station and out of the person's county of residence.

19 SECTION 6. Subchapter C, Chapter 72, Government Code, is  
20 amended by adding Section 72.029 to read as follows:

21 Sec. 72.029. LENGTHY TRIAL TRUST FUND. The office shall  
22 administer the lengthy trial trust fund established under  
23 Subchapter N, Chapter 51.

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

26 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FEE FOR  
27 LENGTHY TRIAL TRUST FUND. The clerk of a district court shall

1 collect on the filing of any civil action or proceeding requiring a  
2 filing fee, including an appeal, and on the filing of any  
3 counterclaim, cross-action, intervention, interpleader, or  
4 third-party action requiring a filing fee, an additional filing fee  
5 of \$20 under Section 51.981 to fund the lengthy trial trust fund.

6 SECTION 8. Subchapter E, Chapter 101, Government Code, is  
7 amended by adding Section 101.083 to read as follows:

8 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL FEE  
9 FOR LENGTHY TRIAL TRUST FUND. The clerk of a statutory county court  
10 shall collect on the filing of any civil action or proceeding  
11 requiring a filing fee, including an appeal, and on the filing of  
12 any counterclaim, cross-action, intervention, interpleader, or  
13 third-party action requiring a filing fee, an additional filing fee  
14 of \$20 under Section 51.981 to fund the lengthy trial trust fund.

15 SECTION 9. Subchapter F, Chapter 101, Government Code, is  
16 amended by adding Section 101.103 to read as follows:

17 Sec. 101.103. STATUTORY PROBATE COURT FEES: ADDITIONAL FEE  
18 FOR LENGTHY TRIAL TRUST FUND. The clerk of a statutory probate  
19 court shall collect on the filing of any civil action or proceeding  
20 requiring a filing fee, including an appeal, and on the filing of  
21 any counterclaim, cross-action, intervention, interpleader, or  
22 third-party action requiring a filing fee, an additional filing fee  
23 of \$20 under Section 51.981 to fund the lengthy trial trust fund.

24 SECTION 10. Subchapter G, Chapter 101, Government Code, is  
25 amended by adding Section 101.123 to read as follows:

26 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FEE FOR  
27 LENGTHY TRIAL TRUST FUND. The clerk of a county court shall collect

1 on the filing of any civil action or proceeding requiring a filing  
2 fee, including an appeal, and on the filing of any counterclaim,  
3 cross-action, intervention, interpleader, or third-party action  
4 requiring a filing fee, an additional filing fee of \$20 under  
5 Section 51.981 to fund the lengthy trial trust fund.

6 SECTION 11. Section 101.141(a), Government Code, is amended  
7 to read as follows:

8 (a) A clerk of a justice court shall collect fees and costs  
9 as follows:

10 (1) additional court cost in certain civil cases to  
11 establish and maintain an alternative dispute resolution system, if  
12 authorized by the commissioners court of a county with a population  
13 of at least 2.5 million (Sec. 152.005, Civil Practice and Remedies  
14 Code) . . . not to exceed \$3;

15 (2) additional filing fees:

16 (A) to fund Dallas County civil court facilities  
17 (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

18 (B) for filing any civil action or proceeding  
19 requiring a filing fee, including an appeal, and on the filing of  
20 any counterclaim, cross-action, intervention, interpleader, or  
21 third-party action requiring a filing fee, to fund civil legal  
22 services for the indigent (Sec. 133.153, Local Government Code)  
23 . . . \$2; and

24 (C) for filing any civil action or proceeding  
25 requiring a filing fee, including an appeal, and on the filing of  
26 any counterclaim, cross-action, intervention, interpleader, or  
27 third-party action requiring a filing fee, to fund the lengthy

1 trial trust fund (Sec. 51.981, Government Code) . . . \$20;

2 (3) for filing a suit in Comal County (Sec. 152.0522,  
3 Human Resources Code) . . . \$1.50; and

4 (4) fee for hearing on probable cause for removal of a  
5 vehicle and placement in a storage facility if assessed by the court  
6 (Sec. 685.008, Transportation Code) . . . \$10.

7 SECTION 12. Section 102.041, Government Code, is amended to  
8 read as follows:

9 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN  
10 DISTRICT COURT. The clerk of a district court shall collect fees  
11 and costs on conviction of a defendant as follows:

12 (1) a jury fee (Art. 102.004, Code of Criminal  
13 Procedure) . . . \$20;

14 (2) a fee for clerk of the court services (Art.  
15 102.005, Code of Criminal Procedure) . . . \$40;

16 (3) a records management and preservation services fee  
17 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

18 (4) a security fee on a felony offense (Art. 102.017,  
19 Code of Criminal Procedure) . . . \$5;

20 (5) a security fee on a misdemeanor offense (Art.  
21 102.017, Code of Criminal Procedure) . . . \$3;

22 (6) a graffiti eradication fee (Art. 102.0171, Code of  
23 Criminal Procedure) . . . \$5; ~~and~~

24 (7) a court cost on conviction in Comal County (Sec.  
25 152.0522, Human Resources Code) . . . \$4; and

26 (8) a fee for the lengthy trial trust fund (Art.  
27 102.0045, Code of Criminal Procedure) . . . \$20.

1 SECTION 13. Section 102.061, Government Code, is amended to  
2 read as follows:

3 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN  
4 STATUTORY COUNTY COURT. The clerk of a statutory county court shall  
5 collect fees and costs on conviction of a defendant as follows:

6 (1) a jury fee (Art. 102.004, Code of Criminal  
7 Procedure) . . . \$20;

8 (2) a fee for services of the clerk of the court (Art.  
9 102.005, Code of Criminal Procedure) . . . \$40;

10 (3) a records management and preservation services fee  
11 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

12 (4) a security fee on a misdemeanor offense (Art.  
13 102.017, Code of Criminal Procedure) . . . \$3;

14 (5) a graffiti eradication fee (Art. 102.0171, Code of  
15 Criminal Procedure) . . . \$5; ~~and~~

16 (6) a court cost on conviction in Comal County (Sec.  
17 152.0522, Human Resources Code) . . . \$4; and

18 (7) a fee for the lengthy trial trust fund (Art.  
19 102.0045, Code of Criminal Procedure) . . . \$20.

20 SECTION 14. Section 102.081, Government Code, is amended to  
21 read as follows:

22 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN  
23 COUNTY COURT. The clerk of a county court shall collect fees and  
24 costs on conviction of a defendant as follows:

25 (1) a jury fee (Art. 102.004, Code of Criminal  
26 Procedure) . . . \$20;

27 (2) a fee for clerk of the court services (Art.

1 102.005, Code of Criminal Procedure) . . . \$40;

2 (3) a records management and preservation services fee  
3 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

4 (4) a security fee on a misdemeanor offense (Art.  
5 102.017, Code of Criminal Procedure) . . . \$3; [~~and~~]

6 (5) a graffiti eradication fee (Art. 102.0171, Code of  
7 Criminal Procedure) . . . \$5; and

8 (6) a fee for the lengthy trial trust fund (Art.  
9 102.0045, Code of Criminal Procedure) . . . \$20.

10 SECTION 15. Section 102.101, Government Code, is amended to  
11 read as follows:

12 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN  
13 JUSTICE COURT. A clerk of a justice court shall collect fees and  
14 costs on conviction of a defendant as follows:

15 (1) a jury fee (Art. 102.004, Code of Criminal  
16 Procedure) . . . \$3;

17 (2) a fee for withdrawing request for jury less than 24  
18 hours before time of trial (Art. 102.004, Code of Criminal  
19 Procedure) . . . \$3;

20 (3) a jury fee for two or more defendants tried jointly  
21 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

22 (4) a security fee on a misdemeanor offense (Art.  
23 102.017, Code of Criminal Procedure) . . . \$3;

24 (5) a fee for technology fund on a misdemeanor offense  
25 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;  
26 [~~and~~]

27 (6) a court cost on conviction in Comal County (Sec.

1 152.0522, Human Resources Code) . . . \$1.50; and

2 (7) a fee for the lengthy trial trust fund (Art.  
3 102.0045, Code of Criminal Procedure) . . . \$20.

4 SECTION 16. (a) Except as provided by Subsections (b), (c),  
5 and (d) of this section, the changes in law made by this Act apply  
6 only to a person summoned to appear for jury service who is required  
7 to appear on or after the effective date of this Act. A person  
8 summoned to appear for jury service who is required to appear before  
9 the effective date of this Act is governed by the law in effect on  
10 the date the person is required to appear, and the former law is  
11 continued in effect for that purpose.

12 (b) Section 51.981, Government Code, as added by this Act,  
13 applies only to a suit filed on or after the effective date of this  
14 Act. A suit filed before the effective date of this Act is governed  
15 by the law in effect on the date the suit was filed, and the former  
16 law is continued in effect for that purpose.

17 (c) Section 62.022, Government Code, as added by this Act,  
18 applies only to a person summoned to appear for jury service who is  
19 required to appear on or after January 1, 2006. A person summoned  
20 to appear for jury service who is required to appear before January  
21 1, 2006, is governed by the law in effect on the date the person is  
22 required to appear, and the former law is continued in effect for  
23 that purpose.

24 (d) Article 102.0045, Code of Criminal Procedure, as added  
25 by this Act, applies only to a defendant convicted of a criminal  
26 offense that is committed on or after the effective date of this  
27 Act. A defendant convicted of a criminal offense that is committed

1 before the effective date of this Act is governed by the law in  
2 effect at the time the offense was committed, and that law is  
3 continued in effect for that purpose. For purposes of this section,  
4 an offense is committed before the effective date of this Act if any  
5 element of the offense occurs before that date.

6 SECTION 17. The Office of Court Administration of the Texas  
7 Judicial System shall adopt the rules required by Section 51.983,  
8 Government Code, as added by this Act, and Article 102.0045(e),  
9 Code of Criminal Procedure, as added by this Act, not later than  
10 January 1, 2006.

11 SECTION 18. This Act takes effect September 1, 2005.