By: Van Arsdale H.B. No. 1884

Substitute the following for H.B. No. 1884:

C.S.H.B. No. 1884 By: Hartnett

A BILL TO BE ENTITLED

AN ACT

2 relating to the records management and preservation services fee.

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

SECTION 1. Article 102.005, Code of Criminal Procedure, is 4 5 amended by amending Subsection (f) and adding Subsections (g) and (h) to read as follows: 6

- (f) A defendant convicted of an offense in a county court, a county court at law, or a district court shall pay a fee of \$25 [\$20] for records management and preservation services performed by the
- county as required by Chapter 203, Local Government Code. The fee 10 shall be collected and distributed by the clerk of the court to the 11
- 12 county treasurer, or to an official who discharges the duties
- commonly delegated to the county treasurer, for deposit as follows: 13
- 14 (1) \$22.50 to the county records management and
- preservation fund for records management and preservation, 15
- 16 including automation, in various county offices; and
- (2) \$2.50 to the records management and preservation 17 18 fund of the clerk of the court for records management and preservation services performed by the clerk of the court [in the 19 same manner as fees are collected and distributed under Section 20 21 51.317(c), Government Code. The fee received by a county shall be placed in a special fund to be called the records management and 22 23 preservation fund. The fee shall be used only for records
- 24 management and preservation purposes in the county as required by

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C.S.H.B. No. 1884

- 1 Chapter 203, Local Government Code. No expenditures may be made
- 2 from this fund without prior approval of the commissioners court].
- 3 (g) A fee deposited in accordance with Subsection (f) may be
- 4 used only to provide funds for specific records management and
- 5 preservation, including for automation purposes, on approval by the
- 6 commissioners court of a budget as provided by Chapter 111, Local
- 7 Government Code.
- 8 (h) An expenditure from a records management and
- 9 preservation fund must comply with Subchapter C, Chapter 262, Local
- 10 Government Code.
- 11 SECTION 2. Section 51.317(c), Government Code, is amended
- 12 to read as follows:
- 13 (c) The district clerk, after collecting a fee under
- 14 Subsection (b)(4), shall pay the fee to the county treasurer, or to
- 15 an official who discharges the duties commonly delegated to the
- 16 county treasurer, for deposit as follows:
- 17 (1) \$5 to the county records management and
- 18 preservation fund for records management and preservation,
- including automation, in various county offices; and
- 20 (2) \$5 to the district clerk records management and
- 21 preservation fund for records management and preservation services
- 22 performed by the district clerk $\underline{\text{when}}$ [after] a $\underline{\text{case or}}$ document is
- 23 filed in the records office of the district clerk.
- SECTION 3. Section 102.041, Government Code, is amended to
- 25 read as follows:
- Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
- 27 DISTRICT COURT. The clerk of a district court shall collect fees

C.S.H.B. No. 1884

- 1 and costs on conviction of a defendant as follows:
- 2 (1) a jury fee (Art. 102.004, Code of Criminal
- 3 Procedure) . . . \$20;
- 4 (2) a fee for clerk of the court services (Art.
- 5 102.005, Code of Criminal Procedure) . . . \$40;
- 6 (3) a records management and preservation services fee
- 7 (Art. 102.005, Code of Criminal Procedure) . . . $\frac{$25}{$}$ [\$20];
- 8 (4) a security fee on a felony offense (Art. 102.017,
- 9 Code of Criminal Procedure) . . . \$5;
- 10 (5) a security fee on a misdemeanor offense (Art.
- 11 102.017, Code of Criminal Procedure) . . . \$3;
- 12 (6) a graffiti eradication fee (Art. 102.0171, Code of
- 13 Criminal Procedure) . . . \$5; and
- 14 (7) a court cost on conviction in Comal County (Sec.
- 15 152.0522, Human Resources Code) . . . \$4.
- SECTION 4. Section 102.061, Government Code, is amended to
- 17 read as follows:
- 18 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
- 19 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
- 20 collect fees and costs on conviction of a defendant as follows:
- 21 (1) a jury fee (Art. 102.004, Code of Criminal
- 22 Procedure) . . . \$20;
- 23 (2) a fee for services of the clerk of the court (Art.
- 24 102.005, Code of Criminal Procedure) . . . \$40;
- 25 (3) a records management and preservation services fee
- 26 (Art. 102.005, Code of Criminal Procedure) . . . \$25 [\$20];
- 27 (4) a security fee on a misdemeanor offense (Art.

C.S.H.B. No. 1884

- 1 102.017, Code of Criminal Procedure) . . . \$3;
- 2 (5) a graffiti eradication fee (Art. 102.0171, Code of
- 3 Criminal Procedure) . . . \$5; and
- 4 (6) a court cost on conviction in Comal County (Sec.
- 5 152.0522, Human Resources Code) . . . \$4.
- 6 SECTION 5. Section 102.081, Government Code, is amended to
- 7 read as follows:
- 8 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
- 9 COUNTY COURT. The clerk of a county court shall collect fees and
- 10 costs on conviction of a defendant as follows:
- 11 (1) a jury fee (Art. 102.004, Code of Criminal
- 12 Procedure) . . . \$20;
- 13 (2) a fee for clerk of the court services (Art.
- 14 102.005, Code of Criminal Procedure) . . . \$40;
- 15 (3) a records management and preservation services fee
- 16 (Art. 102.005, Code of Criminal Procedure) . . . $\frac{$25}{$20}$;
- 17 (4) a security fee on a misdemeanor offense (Art.
- 18 102.017, Code of Criminal Procedure) . . . \$3; and
- 19 (5) a graffiti eradication fee (Art. 102.0171, Code of
- 20 Criminal Procedure) . . . \$5.
- 21 SECTION 6. The changes in law made by this Act apply only to
- 22 a fee that becomes payable on or after the effective date of this
- 23 Act. A fee that became payable before the effective date of this
- 24 Act is governed by the law in effect when the fee became payable,
- and that law is continued in effect for that purpose.
- SECTION 7. This Act takes effect September 1, 2005.