

By: Duncan, Ogden

S.B. No. 368

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the compensation of state judges and to the computation
3 of retirement benefits for state judges and for members of the
4 elected class of the Employees Retirement System of Texas.

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

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

8 (a) Notwithstanding Section 659.011:

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

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

1 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary
2 provided for a justice of the supreme court;

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

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

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

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

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

1 Sec. 659.0125. SALARY FOR LOCAL ADMINISTRATIVE JUDGE. In a
2 county with more than six district courts, a district judge who
3 serves as a local administrative district judge under Section
4 74.091 is entitled to an annual salary from the state that is \$5,000
5 more than the salary from the state to which the judge is otherwise
6 entitled under Section 659.012 [~~659.012(e)~~].

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

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

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

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

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

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

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

1 and the presiding officers of the standing committees of each house
2 of the legislature with jurisdiction over the judiciary or
3 appropriations.

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

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

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

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

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

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

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

1 representatives, and the presiding officers of the standing
2 committees of each house of the legislature with jurisdiction over
3 the judiciary or appropriations.

4 SECTION 6. Section 814.103, Government Code, is amended to
5 read as follows:

6 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
7 SERVICE. (a) Except as provided by Subsection (b), the standard
8 service retirement annuity for service credited in the elected
9 class of membership is an amount equal to the number of years of
10 service credit in that class, times 2.3 [~~two~~] percent of the state
11 salary, as adjusted from time to time, being paid a district judge.

12 (b) The standard service retirement annuity for service
13 credited in the elected class may not exceed at any time 100 percent
14 of the state salary being paid a district judge.

15 SECTION 7. Subchapter B, Chapter 833, Government Code, is
16 amended by adding Section 833.1035 to read as follows:

17 Sec. 833.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Subject
18 to the limitation on the amount of a retirement annuity under
19 Section 834.102(c), an eligible member may establish service credit
20 in the retirement system for service in excess of 20 years performed
21 before September 1, 2005.

22 (b) A member eligible to establish credit under Subsection
23 (a) is one who elects to make contributions under Section 835.1015.

24 (c) A member may not establish more than 120 months of
25 service credit under this section.

26 (d) A member may establish credit under this section by
27 depositing with the retirement system a contribution computed for

1 each month of qualifying service claimed at the rate of six percent
2 of the member's current monthly state salary.

3 (e) The board of trustees may adopt rules to administer this
4 section.

5 SECTION 8. Section 834.102, Government Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The service retirement annuity of a member qualifying
8 for retirement under Section 834.101(a) is the applicable state
9 salary under Subsection (a), multiplied by a percentage amount that
10 is the sum of 50 percent plus the product of two percent multiplied
11 by the number of years of subsequent service credit the member
12 accrues under Section 835.1015(a). After including any increase
13 under Subsection (b), the service retirement annuity under this
14 subsection may not be an amount that is greater than 80 percent of
15 the applicable salary under Subsection (a).

16 SECTION 9. Subsection (c), Section 835.101, Government
17 Code, is amended to read as follows:

18 (c) Except as provided by Section 835.1015, a [A] member who
19 accrues 20 years of service credit in the retirement system ceases
20 making contributions under this section.

21 SECTION 10. Subchapter B, Chapter 835, Government Code, is
22 amended by adding Section 835.1015 to read as follows:

23 Sec. 835.1015. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE
24 CREDIT. (a) A judicial officer who is a member of the retirement
25 system and who accrues 20 years of service credit in the retirement
26 system may elect to make contributions for each subsequent year of
27 service credit that the member accrues by filing an application

1 with the retirement system.

2 (b) A member who elects to make contributions under
3 Subsection (a) shall contribute six percent of the member's state
4 compensation for each payroll period in the manner provided by
5 Sections 835.101(a) and (b).

6 (c) A member may not make contributions under this section
7 for more than 10 years of subsequent service credit that the member
8 accrues.

9 SECTION 11. Subchapter B, Chapter 838, Government Code, is
10 amended by adding Section 838.1035 to read as follows:

11 Sec. 838.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Subject
12 to the limitation on the amount of a retirement annuity under
13 Section 839.102(d), an eligible member may establish service credit
14 in the retirement system for service in excess of 20 years performed
15 before September 1, 2005.

16 (b) A member eligible to establish credit under Subsection
17 (a) is one who elects to make contributions under Section 840.1025.

18 (c) A member may not establish more than 120 months of
19 service credit under this section.

20 (d) A member may establish credit under this section by
21 depositing with the retirement system a contribution computed for
22 each month of qualifying service claimed at the rate of six percent
23 of the member's current monthly state salary.

24 (e) The board of trustees may adopt rules to administer this
25 section.

26 SECTION 12. Section 839.102, Government Code, is amended by
27 amending Subsection (a) and adding Subsection (d) to read as

1 follows:

2 (a) Except as provided by Subsections (b), ~~[and]~~ (c), and
3 (d), the standard service retirement annuity is an amount equal to
4 50 percent of the state salary being paid at the time the member
5 retires to a judge of a court of the same classification as the last
6 court to which the retiring member was elected or appointed.

7 (d) The service retirement annuity of a member qualifying
8 for retirement under Section 839.101(a) is the applicable state
9 salary under Subsection (a) multiplied by a percentage amount that
10 is the sum of 50 percent plus the product of two percent multiplied
11 by the number of years of subsequent service credit the member
12 accrues under Section 840.1025(a). After including any increase
13 under Subsection (b), the service retirement annuity under this
14 subsection may not be an amount that is greater than 80 percent of
15 the applicable salary under Subsection (a).

16 SECTION 13. Subsection (g), Section 840.102, Government
17 Code, is amended to read as follows:

18 (g) Except as provided by Section 840.1025, a [A] member who
19 accrues 20 years of service credit in the retirement system ceases
20 making contributions under this section but is considered a
21 contributing member for all other purposes under this subtitle.

22 SECTION 14. Subchapter B, Chapter 840, Government Code, is
23 amended by adding Section 840.1025 to read as follows:

24 Sec. 840.1025. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE
25 CREDIT. (a) A judicial officer who is a member of the retirement
26 system and who accrues 20 years of service credit in the retirement
27 system may elect to make contributions for each subsequent year of

1 service credit that the member accrues by filing an application
2 with the retirement system.

3 (b) A member who elects to make contributions under
4 Subsection (a) shall contribute six percent of the member's state
5 compensation for each payroll period in the manner provided by
6 Sections 840.102(b)-(f).

7 (c) A member may not make contributions under this section
8 for more than 10 years of subsequent service credit that the member
9 accrues.

10 SECTION 15. Section 133.003, Local Government Code, is
11 amended to read as follows:

12 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
13 following criminal fees:

14 (1) the consolidated fee imposed under Section
15 133.102;

16 (2) the time payment fee imposed under Section
17 133.103;

18 (3) fees for services of peace officers employed by
19 the state imposed under Article 102.011, Code of Criminal
20 Procedure, and forwarded to the comptroller as provided by Section
21 133.104;

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

25 (5) costs on conviction imposed in certain county
26 courts under Section 51.703, Government Code, and deposited in the
27 judicial fund;

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

4 (7) fines on conviction imposed under Section
5 621.506(g), Transportation Code; and

6 (8) the cost on conviction imposed under Section
7 133.105.

8 SECTION 16. Section 133.004, Local Government Code, is
9 amended to read as follows:

10 Sec. 133.004. CIVIL FEES. This chapter applies to the
11 following civil fees:

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

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

16 (3) the filing fee in courts other than district court
17 for basic civil legal services for indigents imposed under Section
18 133.153;

19 (4) the filing fees for the judicial fund imposed in
20 certain statutory county courts under Section 51.702, Government
21 Code;

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

24 (6) the filing fees for the judicial fund imposed in
25 certain statutory probate courts under Section 51.704, Government
26 Code;

27 (7) fees collected under Section 118.015;

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

3 (9) marriage license or declaration of informal
4 marriage fees for the child abuse and neglect prevention trust fund
5 account collected under Section 118.022; and

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

8 SECTION 17. Subchapter C, Chapter 133, Local Government
9 Code, is amended by adding Section 133.105 to read as follows:

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

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

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

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

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

1 SECTION 18. Subchapter D, Chapter 133, Local Government
2 Code, is amended by adding Section 133.154 to read as follows:

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

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

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

11 SECTION 19. Section 101.061, Government Code, is amended to
12 read as follows:

13 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
14 district court shall collect fees and costs as follows:

15 (1) filing fee in action with respect to a fraudulent
16 court record or fraudulent lien or claim filed against property
17 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

18 (2) fee for service of notice of action with respect to
19 a fraudulent court record or fraudulent lien or claim filed against
20 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
21 to exceed \$20, if notice delivered in person, or the cost of
22 postage, if service is by registered or certified mail;

23 (3) court cost in certain civil cases to establish and
24 maintain an alternative dispute resolution system, if authorized by
25 the county commissioners court (Sec. 152.004, Civil Practice and
26 Remedies Code) . . . not to exceed \$10;

27 (4) appellate judicial system filing fees for:

1 (A) First or Fourteenth Court of Appeals District
2 (Sec. 22.2021, Government Code) . . . not more than \$5;

3 (B) Second Court of Appeals District (Sec.
4 22.2031, Government Code) . . . not more than \$5;

5 (C) Fourth Court of Appeals District (Sec.
6 22.2051, Government Code) . . . not more than \$5;

7 (D) Fifth Court of Appeals District (Sec.
8 22.2061, Government Code) . . . not more than \$5; and

9 (E) Thirteenth Court of Appeals District (Sec.
10 22.2141, Government Code) . . . not more than \$5;

11 (5) additional filing fees:

12 (A) for each suit filed for insurance contingency
13 fund, if authorized by the county commissioners court (Sec. 51.302,
14 Government Code) . . . not to exceed \$5;

15 (B) for each civil suit filed, for court-related
16 purposes for the support of the judiciary and for civil legal
17 services to an indigent:

18 (i) for family law cases and proceedings as
19 defined by Section 25.0002, Government Code (Sec. 133.151, Local
20 Government Code) . . . \$45; or

21 (ii) for any case other than a case
22 described by Subparagraph (i) (Sec. 133.151, Local Government
23 Code) . . . \$50;

24 (C) to fund the improvement of Dallas County
25 civil court facilities, if authorized by the county commissioners
26 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

27 (D) on the filing of any civil action or

1 proceeding requiring a filing fee, including an appeal, and on the
2 filing of any counterclaim, cross-action, intervention,
3 interpleader, or third-party action requiring a filing fee, to fund
4 civil legal services for the indigent:

5 (i) for family law cases and proceedings as
6 defined by Section 25.0002, Government Code (Sec. 133.152, Local
7 Government Code) . . . \$5; or

8 (ii) for any case other than a case
9 described by Subparagraph (i) (Sec. 133.152, Local Government
10 Code) . . . \$10; and

11 (E) for each civil suit filed, to be used for
12 court-related purposes for the support of the judiciary (Sec.
13 133.154, Local Government Code) . . . \$37;

14 (6) for filing a suit, including an appeal from an
15 inferior court:

16 (A) for a suit with 10 or fewer plaintiffs (Sec.
17 51.317, Government Code) . . . \$50;

18 (B) for a suit with at least 11 but not more than
19 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

20 (C) for a suit with at least 26 but not more than
21 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

22 (D) for a suit with at least 101 but not more than
23 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

24 (E) for a suit with at least 501 but not more than
25 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

26 (F) for a suit with more than 1,000 plaintiffs
27 (Sec. 51.317, Government Code) . . . \$200;

1 (7) for filing a cross-action, counterclaim,
2 intervention, contempt action, motion for new trial, or third-party
3 petition (Sec. 51.317, Government Code) . . . \$15;

4 (8) for issuing a citation or other writ or process not
5 otherwise provided for, including one copy, when requested at the
6 time a suit or action is filed (Sec. 51.317, Government
7 Code) . . . \$8;

8 (9) for records management and preservation (Sec.
9 51.317, Government Code) . . . \$10;

10 (10) for issuing a subpoena, including one copy (Sec.
11 51.318, Government Code) . . . \$8;

12 (11) for issuing a citation, commission for
13 deposition, writ of execution, order of sale, writ of execution and
14 order of sale, writ of injunction, writ of garnishment, writ of
15 attachment, or writ of sequestration not provided for in Section
16 51.317, or any other writ or process not otherwise provided for,
17 including one copy if required by law (Sec. 51.318, Government
18 Code) . . . \$8;

19 (12) for searching files or records to locate a cause
20 when the docket number is not provided (Sec. 51.318, Government
21 Code) . . . \$5;

22 (13) for searching files or records to ascertain the
23 existence of an instrument or record in the district clerk's office
24 (Sec. 51.318, Government Code) . . . \$5;

25 (14) for abstracting a judgment (Sec. 51.318,
26 Government Code) . . . \$8;

27 (15) for approving a bond (Sec. 51.318, Government

- 1 Code) . . . \$4;
- 2 (16) for a certified copy of a record, judgment,
3 order, pleading, or paper on file or of record in the district
4 clerk's office, including certificate and seal, for each page or
5 part of a page (Sec. 51.318, Government Code) . . . \$1;
- 6 (17) for a noncertified copy, for each page or part of
7 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 8 (18) jury fee (Sec. 51.604, Government Code) . . . \$30;
- 9 (19) for filing a report of divorce or annulment (Sec.
10 194.002, Health and Safety Code) . . . \$1;
- 11 (20) for filing a suit in Comal County (Sec. 152.0522,
12 Human Resources Code) . . . \$4;
- 13 (21) additional filing fee for family protection on
14 filing a suit for dissolution of a marriage under Chapter 6, Family
15 Code, if authorized by the county commissioners court (Sec. 51.961,
16 Government Code) . . . not to exceed \$15;
- 17 (22) fee on filing a suit for dissolution of a marriage
18 for services of child support department in Harris County, if
19 authorized by the county commissioners court (Sec. 152.1074, Human
20 Resources Code) . . . not to exceed \$12;
- 21 (23) fee on filing a suit requesting an adoption in
22 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;
- 23 (24) court cost on citation for contempt of court for
24 failure to comply with child support order in Nueces County, if
25 authorized by the commissioners court (Sec. 152.1844, Human
26 Resources Code) . . . not to exceed \$10;
- 27 (25) fee on filing a suit for divorce in Orange County

1 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

2 (26) court costs on citation for contempt of court in
3 Orange County for failure to comply with a child support order or
4 order providing for possession of or access to a child (Sec.
5 152.1873, Human Resources Code) . . . amount determined by
6 district clerk;

7 (27) fee on filing a suit requesting an adoption in
8 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
9 than \$25;

10 (28) fee on filing a suit requesting an adoption in
11 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

12 (29) additional filing fee to fund the courthouse
13 security fund, if authorized by the county commissioners court
14 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

15 (30) additional filing fee for filing documents not
16 subject to certain filing fees to fund the courthouse security
17 fund, if authorized by the county commissioners court (Sec.
18 291.008, Local Government Code) . . . \$1;

19 (31) additional filing fee to fund the courthouse
20 security fund in Webb County, if authorized by the county
21 commissioners court (Sec. 291.009, Local Government
22 Code) . . . not to exceed \$20;

23 (32) court cost in civil cases other than suits for
24 delinquent taxes to fund the county law library fund, if authorized
25 by the county commissioners court (Sec. 323.023, Local Government
26 Code) . . . not to exceed \$35;

27 (33) when administering a case for the Rockwall County

1 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
2 court costs as if the case had been filed in district court;

3 (34) at a hearing held by an associate judge in Dallas
4 County, a court cost to preserve the record, in the absence of a
5 court reporter, by other means (Sec. 54.509, Government Code) . . .
6 as assessed by the referring court or associate judge; and

7 (35) at a hearing held by an associate judge in Duval
8 County, a court cost to preserve the record (Sec. 54.1151,
9 Government Code, as added by Chapter 1150, Acts of the 78th
10 Legislature, Regular Session, 2003) . . . as imposed by the
11 referring court or associate judge.

12 SECTION 20. Section 101.081, Government Code, is amended to
13 read as follows:

14 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
15 clerk of a statutory county court shall collect fees and costs as
16 follows:

17 (1) court cost in certain civil cases to establish and
18 maintain an alternative dispute resolution system, if authorized by
19 the county commissioners court (Sec. 152.004, Civil Practice and
20 Remedies Code) . . . not to exceed \$10;

21 (2) appellate judicial system filing fees:

22 (A) First or Fourteenth Court of Appeals District
23 (Sec. 22.2021, Government Code) . . . not more than \$5;

24 (B) Second Court of Appeals District (Sec.
25 22.2031, Government Code) . . . not more than \$5;

26 (C) Fourth Court of Appeals District (Sec.
27 22.2051, Government Code) . . . not more than \$5;

1 (D) Fifth Court of Appeals District (Sec.
2 22.2061, Government Code) . . . not more than \$5; and

3 (E) Thirteenth Court of Appeals District (Sec.
4 22.2141, Government Code) . . . not more than \$5;

5 (3) an official court reporter fee, County Court at
6 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

7 (4) a court reporter fee when testimony is taken in a
8 county court at law in McLennan County (Sec. 25.1572, Government
9 Code) . . . \$3;

10 (5) a stenographer fee, if a record or part of a record
11 is made:

12 (A) in a county court at law in Hidalgo County
13 (Sec. 25.1102, Government Code) . . . \$20; and

14 (B) in a county court at law in Nolan County (Sec.
15 25.1792, Government Code) . . . \$25;

16 (6) jury fee (Sec. 51.604, Government
17 Code) . . . \$22;

18 (7) an additional filing fee:

19 (A) for each civil case filed to be used for
20 court-related purposes for the support of the judiciary, if
21 authorized by the county commissioners court (Sec. 51.702,
22 Government Code) . . . \$40;

23 (B) to fund the improvement of Dallas County
24 civil court facilities, if authorized by the county commissioners
25 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

26 (C) for filing any civil action or proceeding
27 requiring a filing fee, including an appeal, and on the filing of

1 any counterclaim, cross-action, intervention, interpleader, or
2 third-party action requiring a filing fee, to fund civil legal
3 services for the indigent (Sec. 133.153, Local Government Code)
4 . . . \$5; and

5 (D) for each civil suit filed, to be used for
6 court-related purposes for the support of the judiciary (Sec.
7 133.154, Local Government Code) . . . \$37;

8 (8) for filing an application for registration of
9 death (Sec. 193.007, Health and Safety Code) . . . \$1;

10 (9) fee for judge's services on an application for
11 court-ordered mental health services (Sec. 574.031, Health and
12 Safety Code) . . . not to exceed \$50;

13 (10) fee for prosecutor's services on an application
14 for court-ordered mental health services (Sec. 574.031, Health and
15 Safety Code) . . . not to exceed \$50;

16 (11) for filing a suit in Comal County (Sec. 152.0522,
17 Human Resources Code) . . . \$4;

18 (12) additional filing fee to fund contingency fund
19 for liability insurance, if authorized by the county commissioners
20 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

21 (13) civil court actions (Sec. 118.052, Local
22 Government Code):

23 (A) filing of original action (Secs. 118.052 and
24 118.053, Local Government Code):

25 (i) garnishment after judgment (Sec.
26 118.052, Local Government Code) . . . \$15; and

27 (ii) all others (Sec. 118.052, Local

1 Government Code) . . . \$40;

2 (B) filing of action other than original (Secs.
3 118.052 and 118.054, Local Government Code) . . . \$30; and

4 (C) services rendered after judgment in original
5 action (Secs. 118.052 and 118.0545, Local Government Code):

6 (i) abstract of judgment (Sec. 118.052,
7 Local Government Code) . . . \$5; and

8 (ii) execution, order of sale, writ, or
9 other process (Sec. 118.052, Local Government Code) . . . \$5;

10 (14) probate court actions (Sec. 118.052, Local
11 Government Code):

12 (A) probate original action (Secs. 118.052 and
13 118.055, Local Government Code):

14 (i) probate of a will with independent
15 executor, administration with will attached, administration of an
16 estate, guardianship or receivership of an estate, or muniment of
17 title (Sec. 118.052, Local Government Code) . . . \$40;

18 (ii) community survivors (Sec. 118.052,
19 Local Government Code) . . . \$40;

20 (iii) small estates (Sec. 118.052, Local
21 Government Code) . . . \$40;

22 (iv) declarations of heirship (Sec.
23 118.052, Local Government Code) . . . \$40;

24 (v) mental health or chemical dependency
25 services (Sec. 118.052, Local Government Code) . . . \$40; and

26 (vi) additional, special fee (Secs. 118.052
27 and 118.064, Local Government Code) . . . \$5;

1 (B) services in pending probate action (Secs.
2 118.052 and 118.056, Local Government Code):

3 (i) filing an inventory and appraisement
4 after the 120th day after the date of the initial filing of the
5 action (Sec. 118.052, Local Government Code) . . . \$25;

6 (ii) approving and recording bond (Sec.
7 118.052, Local Government Code) . . . \$3;

8 (iii) administering oath (Sec. 118.052,
9 Local Government Code) . . . \$2;

10 (iv) filing annual or final account of
11 estate (Sec. 118.052, Local Government Code) . . . \$25;

12 (v) filing application for sale of real or
13 personal property (Sec. 118.052, Local Government Code) . . . \$25;

14 and

15 (vi) filing annual or final report of
16 guardian of a person (Sec. 118.052, Local Government
17 Code) . . . \$10;

18 (C) adverse probate action (Secs. 118.052 and
19 118.057, Local Government Code) . . . \$40; and

20 (D) claim against estate (Secs. 118.052 and
21 118.058, Local Government Code) . . . \$2;

22 (15) other fees (Sec. 118.052, Local Government Code):

23 (A) issuing document (Secs. 118.052 and 118.059,
24 Local Government Code):

25 (i) original document and one copy (Sec.
26 118.052, Local Government Code) . . . \$4; and

27 (ii) each additional set of an original and

1 one copy (Sec. 118.052, Local Government Code) . . . \$4;

2 (B) certified papers (Secs. 118.052 and 118.060,
3 Local Government Code):

4 (i) for the clerk's certificate (Sec.
5 118.052, Local Government Code) . . . \$5; and

6 (ii) a fee per page or part of a page (Sec.
7 118.052, Local Government Code) . . . \$1;

8 (C) noncertified papers, for each page or part of
9 a page (Secs. 118.052 and 118.0605, Local Government
10 Code) . . . \$1;

11 (D) letters testamentary, letter of
12 guardianship, letter of administration, or abstract of judgment
13 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

14 (E) safekeeping of wills (Secs. 118.052 and
15 118.062, Local Government Code) . . . \$5;

16 (F) mail service of process (Secs. 118.052 and
17 118.063, Local Government Code) . . . same as sheriff; and

18 (G) records management and preservation fee
19 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
20 . . . \$5;

21 (16) additional filing fee to fund the courthouse
22 security fund, if authorized by the county commissioners court
23 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

24 (17) additional filing fee for filing documents not
25 subject to certain filing fees to fund the courthouse security
26 fund, if authorized by the county commissioners court (Sec.
27 291.008, Local Government Code) . . . \$1;

1 (18) additional filing fee to fund the courthouse
2 security fund in Webb County, if authorized by the county
3 commissioners court (Sec. 291.009, Local Government
4 Code) . . . not to exceed \$20;

5 (19) court cost in civil cases other than suits for
6 delinquent taxes to fund the county law library fund, if authorized
7 by the county commissioners court (Sec. 323.023, Local Government
8 Code) . . . not to exceed \$35;

9 (20) fee for deposit of a will with the county clerk
10 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

11 (21) court cost for each special commissioner in an
12 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
13 taxed by the court, \$10 or more; and

14 (22) fee for county attorney in a suit regarding a
15 railroad company's failure to keep roadbed and right-of-way in
16 proper condition (Art. 6327, Vernon's Texas Civil Statutes)
17 . . . \$10.

18 SECTION 21. Section 101.121, Government Code, is amended to
19 read as follows:

20 Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a
21 county court shall collect:

22 (1) fee for hearing on application for a license to
23 manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic
24 Beverage Code) . . . \$5;

25 (2) court cost in certain civil cases to establish and
26 maintain an alternative dispute resolution system, if authorized by
27 the county commissioners court (Sec. 152.004, Civil Practice and

- 1 Remedies Code) . . . not to exceed \$10;
- 2 (3) appellate judicial system filing fees:
- 3 (A) First or Fourteenth Court of Appeals District
- 4 (Sec. 22.2021, Government Code) . . . not more than \$5;
- 5 (B) Second Court of Appeals District (Sec.
- 6 22.2031, Government Code) . . . not more than \$5;
- 7 (C) Fourth Court of Appeals District (Sec.
- 8 22.2051, Government Code) . . . not more than \$5;
- 9 (D) Fifth Court of Appeals District (Sec.
- 10 22.2061, Government Code) . . . not more than \$5; and
- 11 (E) Thirteenth Court of Appeals District (Sec.
- 12 22.2141, Government Code) . . . not more than \$5;
- 13 (4) a jury fee (Sec. 51.604, Government Code)
- 14 . . . \$22;
- 15 (5) a filing fee in each civil case filed to be used
- 16 for court-related purposes for the support of the judiciary (Sec.
- 17 51.703, Government Code) . . . \$40;
- 18 (6) for filing an application for registration of
- 19 death (Sec. 193.007, Health and Safety Code) . . . \$1;
- 20 (7) fee for judge's services on an application for
- 21 court-ordered mental health services (Sec. 574.031, Health and
- 22 Safety Code) . . . not to exceed \$50;
- 23 (8) fee for prosecutor's services on an application
- 24 for court-ordered mental health services (Sec. 574.031, Health and
- 25 Safety Code) . . . not to exceed \$50;
- 26 (9) additional filing fee to fund contingency fund for
- 27 liability insurance, if authorized by the county commissioners

1 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

2 (10) civil court actions (Sec. 118.052, Local
3 Government Code):

4 (A) filing of original action (Secs. 118.052 and
5 118.053, Local Government Code):

6 (i) garnishment after judgment (Sec.
7 118.052, Local Government Code) . . . \$15; and

8 (ii) all others (Sec. 118.052, Local
9 Government Code) . . . \$40;

10 (B) filing of action other than original (Secs.
11 118.052 and 118.054, Local Government Code) . . . \$30; and

12 (C) services rendered after judgment in original
13 action (Secs. 118.052 and 118.0545, Local Government Code):

14 (i) abstract of judgment (Sec. 118.052,
15 Local Government Code) . . . \$5; and

16 (ii) execution, order of sale, writ, or
17 other process (Sec. 118.052, Local Government Code) . . . \$5;

18 (11) probate court actions (Sec. 118.052, Local
19 Government Code):

20 (A) probate original action (Secs. 118.052 and
21 118.055, Local Government Code):

22 (i) probate of a will with independent
23 executor, administration with will attached, administration of an
24 estate, guardianship or receivership of an estate, or muniment of
25 title (Sec. 118.052, Local Government Code) . . . \$40;

26 (ii) community survivors (Sec. 118.052,
27 Local Government Code) . . . \$40;

1 (iii) small estates (Sec. 118.052, Local
2 Government Code) . . . \$40;

3 (iv) declarations of heirship (Sec.
4 118.052, Local Government Code) . . . \$40;

5 (v) mental health or chemical dependency
6 services (Sec. 118.052, Local Government Code) . . . \$40; and

7 (vi) additional, special fee (Secs. 118.052
8 and 118.064, Local Government Code) . . . \$5;

9 (B) services in pending probate action (Secs.
10 118.052 and 118.056, Local Government Code):

11 (i) filing an inventory and appraisalment
12 after the 120th day after the date of the initial filing of the
13 action (Sec. 118.052, Local Government Code) . . . \$25;

14 (ii) approving and recording bond (Sec.
15 118.052, Local Government Code) . . . \$3;

16 (iii) administering oath (Sec. 118.052,
17 Local Government Code) . . . \$2;

18 (iv) filing annual or final account of
19 estate (Sec. 118.052, Local Government Code) . . . \$25;

20 (v) filing application for sale of real or
21 personal property (Sec. 118.052, Local Government Code) . . . \$25;
22 and

23 (vi) filing annual or final report of
24 guardian of a person (Sec. 118.052, Local Government Code)
25 . . . \$10;

26 (C) adverse probate action (Secs. 118.052 and
27 118.057, Local Government Code) . . . \$40; and

1 (D) claim against estate (Secs. 118.052 and
2 118.058, Local Government Code) . . . \$2;

3 (12) other fees (Sec. 118.052, Local Government Code):

4 (A) issuing document (Secs. 118.052 and 118.059,
5 Local Government Code):

6 (i) original document and one copy (Sec.
7 118.052, Local Government Code) . . . \$4; and

8 (ii) each additional set of an original and
9 one copy (Sec. 118.052, Local Government Code) . . . \$4;

10 (B) certified papers (Secs. 118.052 and 118.060,
11 Local Government Code):

12 (i) for the clerk's certificate (Sec.
13 118.052, Local Government Code) . . . \$5; and

14 (ii) a fee per page or part of a page (Sec.
15 118.052, Local Government Code) . . . \$1;

16 (C) noncertified papers, for each page or part of
17 a page (Secs. 118.052 and 118.0605, Local Government Code)
18 . . . \$1;

19 (D) letters testamentary, letter of
20 guardianship, letter of administration, or abstract of judgment
21 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

22 (E) safekeeping of wills (Secs. 118.052 and
23 118.062, Local Government Code) . . . \$5;

24 (F) mail service of process (Secs. 118.052 and
25 118.063, Local Government Code) . . . same as sheriff; and

26 (G) records management and preservation fee
27 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)

1 . . . \$5;

2 (13) deposit on filing petition requesting permission
3 to create a municipal civic center authority (Sec. 281.013, Local
4 Government Code) . . . \$200;

5 (14) additional filing fee to fund the courthouse
6 security fund, if authorized by the county commissioners court
7 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

8 (15) additional filing fee for filing documents not
9 subject to certain filing fees to fund the courthouse security
10 fund, if authorized by the county commissioners court (Sec.
11 291.008, Local Government Code) . . . \$1;

12 (16) additional filing fee to fund the courthouse
13 security fund in Webb County, if authorized by the county
14 commissioners court (Sec. 291.009, Local Government Code)
15 . . . not to exceed \$20;

16 (17) court cost in civil cases other than suits for
17 delinquent taxes to fund the county law library fund, if authorized
18 by the county commissioners court (Sec. 323.023, Local Government
19 Code) . . . not to exceed \$35;

20 (18) fee for deposit of a will with the county clerk
21 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

22 (19) fee for county attorney in a suit regarding a
23 railroad company's failure to keep roadbed and right-of-way in
24 proper condition (Art. 6327, Vernon's Texas Civil Statutes)
25 . . . \$10;

26 (20) appeal bond from a petitioner or taxpayer in a
27 water control and preservation district (Art. 7818, Vernon's Texas

1 Civil Statutes) . . . \$100; [~~and~~]

2 (21) additional filing fee for filing any civil action
3 or proceeding requiring a filing fee, including an appeal, and on
4 the filing of any counterclaim, cross-action, intervention,
5 interpleader, or third-party action requiring a filing fee, to fund
6 civil legal services for the indigent (Sec. 133.153, Local
7 Government Code) . . . \$5; and

8 (22) additional filing fee for each civil suit filed,
9 to be used for court-related purposes for the support of the
10 judiciary (Sec. 133.154, Local Government Code) . . . \$37.

11 SECTION 22. Section 102.021, Government Code, is amended to
12 read as follows:

13 Sec. 102.021. COURT COSTS ON CONVICTION. A person
14 convicted of an offense shall pay, in addition to all other costs:

15 (1) court costs on conviction of a felony (Sec.
16 133.102, Local Government Code) . . . \$133;

17 (2) court costs on conviction of a Class A or Class B
18 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

19 (3) court costs on conviction of a nonjailable
20 misdemeanor offense, including a criminal violation of a municipal
21 ordinance, other than a conviction of an offense relating to a
22 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
23 Government Code) . . . \$40;

24 (4) court costs on certain convictions in statutory
25 county courts (Sec. 51.702, Government Code) . . . \$15;

26 (5) court costs on certain convictions in certain
27 county courts (Sec. 51.703, Government Code) . . . \$15;

1 (6) a time payment fee if convicted of a felony or
2 misdemeanor for paying any part of a fine, court costs, or
3 restitution on or after the 31st day after the date on which a
4 judgment is entered assessing the fine, court costs, or restitution
5 (Sec. 133.103, Local Government Code) . . . \$25;

6 (7) a fee for services of prosecutor (Art. 102.008,
7 Code of Criminal Procedure) . . . \$25;

8 (8) fees for services of peace officer:

9 (A) issuing a written notice to appear in court
10 for certain violations (Art. 102.011, Code of Criminal Procedure)
11 . . . \$5;

12 (B) executing or processing an issued arrest
13 warrant or capias (Art. 102.011, Code of Criminal
14 Procedure) . . . \$50;

15 (C) summoning a witness (Art. 102.011, Code of
16 Criminal Procedure) . . . \$5;

17 (D) serving a writ not otherwise listed (Art.
18 102.011, Code of Criminal Procedure) . . . \$35;

19 (E) taking and approving a bond and, if
20 necessary, returning the bond to courthouse (Art. 102.011, Code of
21 Criminal Procedure) . . . \$10;

22 (F) commitment or release (Art. 102.011, Code of
23 Criminal Procedure) . . . \$5;

24 (G) summoning a jury (Art. 102.011, Code of
25 Criminal Procedure) . . . \$5;

26 (H) attendance of a prisoner in habeas corpus
27 case if prisoner has been remanded to custody or held to bail (Art.

- 1 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 2 (I) mileage for certain services performed (Art.
3 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 4 (J) services of a sheriff or constable who serves
5 process and attends examining trial in certain cases (Art. 102.011,
6 Code of Criminal Procedure) . . . not to exceed \$5;
- 7 (9) services of a peace officer in conveying a witness
8 outside the county (Art. 102.011, Code of Criminal
9 Procedure) . . . \$10 per day or part of a day, plus actual
10 necessary travel expenses;
- 11 (10) overtime of peace officer for time spent
12 testifying in the trial or traveling to or from testifying in the
13 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
14 cost;
- 15 (11) court costs on an offense relating to rules of the
16 road, when offense occurs within a school crossing zone (Art.
17 102.014, Code of Criminal Procedure) . . . \$25;
- 18 (12) court costs on an offense of passing a school bus
19 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 20 (13) court costs on an offense of truancy or
21 contributing to truancy (Art. 102.014, Code of Criminal
22 Procedure) . . . \$20;
- 23 (14) cost for visual recording of intoxication arrest
24 before conviction (Art. 102.018, Code of Criminal
25 Procedure) . . . \$15;
- 26 (15) cost of certain evaluations (Art. 102.018, Code
27 of Criminal Procedure) . . . actual cost;

1 (16) additional costs attendant to certain
2 intoxication convictions under Chapter 49, Penal Code, for
3 emergency medical services, trauma facilities, and trauma care
4 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

5 (17) cost for DNA testing for certain felonies (Art.
6 102.020, Code of Criminal Procedure) . . . \$250;

7 (18) court cost on an offense of public lewdness or
8 indecent exposure (Art. 102.020, Code of Criminal
9 Procedure) . . . \$50;

10 (19) court cost on conviction of a misdemeanor under
11 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
12 Transportation Code) . . . \$3;

13 (20) cost for impoundment of vehicle (Sec. 601.263,
14 Transportation Code) . . . \$15 per day; ~~and~~

15 (21) a civil and criminal enforcement cost on
16 conviction of an offense of, or related to, the nonpayment of a toll
17 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;
18 and

19 (22) court cost on conviction of any offense, other
20 than a conviction of an offense relating to a pedestrian or the
21 parking of a motor vehicle (Sec. 133.105, Local Government
22 Code) . . . \$7.

23 SECTION 23. Section 51.607, Government Code, does not apply
24 to court costs or fees imposed under this Act.

25 SECTION 24. (a) Not later than December 1, 2005, the
26 Office of Court Administration of the Texas Judicial System shall
27 begin collecting the data required by Section 72.030, Government

1 Code, as added by this Act.

2 (b) Not later than December 1, 2005, the State Bar of Texas
3 shall begin collecting the data required by Section 81.116,
4 Government Code, as added by this Act.

5 SECTION 25. (a) Section 814.103, Government Code, as
6 amended by this Act, applies only to an annuity payment made on or
7 after September 1, 2005.

8 (b) The Employees Retirement System of Texas shall
9 recompute an annuity that first became payable before September 1,
10 2005, as though Section 814.103, Government Code, as amended by
11 this Act, was in effect on the date the annuity first became
12 payable.

13 (c) The first payment of the recomputed annuity is payable
14 on the first payment date occurring on or after September 1, 2005.

15 SECTION 26. Sections 834.102 and 839.102, Government Code,
16 as amended by this Act, apply only to a benefit payment made by the
17 Judicial Retirement System of Texas Plan One or the Judicial
18 Retirement System of Texas Plan Two, on or after September 1, 2005.

19 SECTION 27. This Act takes effect September 1, 2005.