

By: Duncan

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 members of the elected class of the
4 Employees Retirement System of Texas.

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

6 SECTION 1. Section 659.012, Government Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Notwithstanding Section 659.011:

10 (1) a judge of a district court is entitled to an
11 annual salary from the state of at least \$125,000 [~~justice of the~~
12 ~~supreme court is entitled to an annual salary from the state that is~~
13 ~~at least \$102,463~~];

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

23 (3) a justice of the supreme court other than the chief
24 justice or a judge of the court of criminal appeals other than the

1 presiding judge is entitled to an annual salary from the state that
2 is equal to 120 percent of the salary of a district judge; and

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

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

17 (a-1) Subsection (a)(1) applies beginning September 1,
18 2006. For the fiscal year beginning September 1, 2005, a judge of a
19 district court is entitled to an annual salary from the state of at
20 least \$113,350. This subsection expires September 1, 2006.

21 SECTION 2. Section 659.0125, Government Code, is amended to
22 read as follows:

23 Sec. 659.0125. SALARY FOR LOCAL ADMINISTRATIVE JUDGE. In a
24 county with more than six district courts, a district judge who
25 serves as a local administrative district judge under Section
26 74.091 is entitled to an annual salary from the state that is \$5,000
27 more than the salary from the state to which the judge is otherwise

1 entitled under Section 659.012 [~~659.012(c)~~].

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

4 Sec. 152.0003. COMPENSATION. The compensation authorized
5 under this chapter for a judge serving on a juvenile board is in
6 addition to all other compensation provided or allowed by law for a
7 judge. Notwithstanding any other law, the combined salary of a
8 district judge serving on a juvenile board may not exceed the salary
9 provided for the chief justice of the supreme court or the presiding
10 judge of the court of criminal appeals by Section 659.012,
11 Government Code.

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

14 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL
15 TURNOVER. (a) The office biennially shall collect data relating
16 to:

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

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

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

27 SECTION 5. Subchapter H, Chapter 81, Government Code, is

1 amended by adding Section 81.116 to read as follows:

2 Sec. 81.116. COLLECTION OF DATA RELATING TO ATTORNEY
3 COMPENSATION. (a) The state bar shall biennially collect data
4 relating to the compensation of lawyers engaged in the private
5 practice of law.

6 (b) Not later than December 1 of each even-numbered year,
7 the state bar shall file a report containing the data collected
8 under Subsection (a) for the preceding state fiscal biennium with
9 the lieutenant governor, the speaker of the house of
10 representatives, and the presiding officers of the standing
11 committees of each house of the legislature with jurisdiction over
12 the judiciary or appropriations.

13 SECTION 6. Section 814.103, Government Code, is amended to
14 read as follows:

15 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
16 SERVICE. (a) Except as provided by Subsection (b) and Section
17 814.1031, the standard service retirement annuity for service
18 credited in the elected class of membership is an amount equal to
19 the number of years of service credit in that class, times 2.3 [~~two~~]
20 percent of the state salary, as adjusted from time to time, being
21 paid the governor [~~a district judge~~].

22 (b) The standard service retirement annuity for service
23 credited in the elected class may not exceed at any time 100 percent
24 of the state salary being paid the governor [~~a district judge~~].

25 SECTION 7. Chapter 814, Government Code, is amended by
26 adding Section 814.1031 to read as follows:

27 Sec. 814.1031. SERVICE RETIREMENT BENEFITS FOR ELECTED

1 CLASS SERVICE AS STATE PROSECUTOR. (a) In this section, "state
2 prosecutor" means a person eligible for membership in the elected
3 class under Section 812.002(a)(3).

4 (b) Except as provided by Subsection (c), the standard
5 service retirement annuity for service credited in the elected
6 class of membership paid to a state prosecutor is an amount equal to
7 the sum of:

8 (1) the number of years of service credit for service
9 of the member as a state prosecutor times 2.3 percent of the state
10 salary, as adjusted from time to time, being paid a district judge;
11 and

12 (2) the number of years of service credit for service
13 of the member as any other elected class member times 2.3 percent of
14 the state salary, as adjusted from time to time, being paid the
15 governor.

16 (c) The standard service retirement annuity paid to a state
17 prosecutor for service credited in the elected class as a state
18 prosecutor may not exceed at any time 100 percent of the state
19 salary being paid a district judge.

20 SECTION 8. Section 133.003, Local Government Code, is
21 amended to read as follows:

22 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
23 following criminal fees:

24 (1) the consolidated fee imposed under Section
25 133.102;

26 (2) the time payment fee imposed under Section
27 133.103;

1 (3) fees for services of peace officers employed by
2 the state imposed under Article 102.011, Code of Criminal
3 Procedure, and forwarded to the comptroller as provided by Section
4 133.104;

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

8 (5) costs on conviction imposed in certain county
9 courts under Section 51.703, Government Code, and deposited in the
10 judicial fund;

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

14 (7) fines on conviction imposed under Section
15 621.506(g), Transportation Code; and

16 (8) the cost on conviction imposed under Section
17 133.105.

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

20 Sec. 133.004. CIVIL FEES. This chapter applies to the
21 following civil fees:

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

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

26 (3) the filing fee in courts other than district court
27 for basic civil legal services for indigents imposed under Section

1 133.153;

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

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

7 (6) the filing fees for the judicial fund imposed in
8 certain statutory probate courts under Section 51.704, Government
9 Code;

10 (7) fees collected under Section 118.015;

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

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

16 (10) the filing fee imposed in district court and
17 statutory county court under Section 133.154.

18 SECTION 10. Subchapter C, Chapter 133, Local Government
19 Code, is amended by adding Section 133.105 to read as follows:

20 Sec. 133.105. FEE FOR JUDICIAL SALARIES. (a) A person
21 convicted of any offense, other than an offense relating to a
22 pedestrian or the parking of a motor vehicle, shall pay as a court
23 cost, in addition to all other costs, a fee of \$2 to fund judicial
24 salaries.

25 (b) The treasurer shall deposit 10 percent of the fees
26 collected under this section in the general fund of the county or
27 municipality for administrative purposes.

1 (c) The treasurer shall remit the remainder of the fees
2 collected under this section to the comptroller in the manner
3 provided by Subchapter B.

4 SECTION 11. Subchapter D, Chapter 133, Local Government
5 Code, is amended by adding Section 133.154 to read as follows:

6 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT OR
7 STATUTORY COUNTY COURT FOR JUDICIAL SALARIES. (a) In addition to
8 other fees authorized or required by law, the clerk of a district or
9 statutory county court shall collect a fee of \$35 on the filing of
10 any civil suit to fund judicial salaries.

11 (b) The treasurer shall deposit 10 percent of the fees
12 collected under this section in the general fund of the county or
13 municipality for administrative purposes.

14 (c) The treasurer shall remit the remainder of the fees
15 collected under this section to the comptroller in the manner
16 provided by Subchapter B.

17 SECTION 12. Section 101.061, Government Code, is amended to
18 read as follows:

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

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

24 (2) fee for service of notice of action with respect to
25 a fraudulent court record or fraudulent lien or claim filed against
26 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
27 to exceed \$20, if notice delivered in person, or the cost of

1 postage, if service is by registered or certified mail;

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

6 (4) appellate judicial system filing fees for:

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

9 (B) Second Court of Appeals District (Sec.
10 22.2031, Government Code) . . . not more than \$5;

11 (C) Fourth Court of Appeals District (Sec.
12 22.2051, Government Code) . . . not more than \$5;

13 (D) Fifth Court of Appeals District (Sec.
14 22.2061, Government Code) . . . not more than \$5; and

15 (E) Thirteenth Court of Appeals District (Sec.
16 22.2141, Government Code) . . . not more than \$5;

17 (5) additional filing fees:

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

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

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

27 (ii) for any case other than a case

1 described by Subparagraph (i) (Sec. 133.151, Local Government
2 Code) . . . \$50;

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

6 (D) on the filing of any civil action or
7 proceeding requiring a filing fee, including an appeal, and on the
8 filing of any counterclaim, cross-action, intervention,
9 interpleader, or third-party action requiring a filing fee, to fund
10 civil legal services for the indigent:

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

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

17 (E) for each civil suit filed, to fund judicial
18 salaries (Sec. 133.154, Local Government Code) . . . \$35;

19 (6) for filing a suit, including an appeal from an
20 inferior court:

21 (A) for a suit with 10 or fewer plaintiffs (Sec.
22 51.317, Government Code) . . . \$50;

23 (B) for a suit with at least 11 but not more than
24 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

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

27 (D) for a suit with at least 101 but not more

1 than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

2 (E) for a suit with at least 501 but not more than
3 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

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

13 (9) for records management and preservation (Sec.
14 51.317, Government Code) . . . \$10;

15 (10) for issuing a subpoena, including one copy (Sec.
16 51.318, Government Code) . . . \$8;

17 (11) for issuing a citation, commission for
18 deposition, writ of execution, order of sale, writ of execution and
19 order of sale, writ of injunction, writ of garnishment, writ of
20 attachment, or writ of sequestration not provided for in Section
21 51.317, or any other writ or process not otherwise provided for,
22 including one copy if required by law (Sec. 51.318, Government
23 Code) . . . \$8;

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

27 (13) for searching files or records to ascertain the

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

1 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

2 (24) court cost on citation for contempt of court for
3 failure to comply with child support order in Nueces County, if
4 authorized by the commissioners court (Sec. 152.1844, Human
5 Resources Code) . . . not to exceed \$10;

6 (25) fee on filing a suit for divorce in Orange County
7 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

8 (26) court costs on citation for contempt of court in
9 Orange County for failure to comply with a child support order or
10 order providing for possession of or access to a child (Sec.
11 152.1873, Human Resources Code) . . . amount determined by
12 district clerk;

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

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

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

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

25 (31) additional filing fee to fund the courthouse
26 security fund in Webb County, if authorized by the county
27 commissioners court (Sec. 291.009, Local Government

1 Code) . . . not to exceed \$20;

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

6 (33) when administering a case for the Rockwall County
7 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
8 court costs as if the case had been filed in district court;

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

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

18 SECTION 13. Section 101.081, Government Code, is amended to
19 read as follows:

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

23 (1) 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 (2) appellate judicial system filing fees:

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

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

16 (5) a stenographer fee, if a record or part of a record
17 is made:

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

20 (B) in a county court at law in Nolan County (Sec.
21 25.1792, Government Code) . . . \$25;

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

24 (7) an additional filing fee:

25 (A) for each civil case filed to be used for
26 court-related purposes for the support of the judiciary, if
27 authorized by the county commissioners court (Sec. 51.702,

1 Government Code) . . . \$40;

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

5 (C) for filing any civil action or proceeding
6 requiring a filing fee, including an appeal, and on the filing of
7 any counterclaim, cross-action, intervention, interpleader, or
8 third-party action requiring a filing fee, to fund civil legal
9 services for the indigent (Sec. 133.153, Local Government Code)
10 . . . \$5; and

11 (D) for each civil suit filed, to fund judicial
12 salaries (Sec. 133.154, Local Government Code) . . . \$35;

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

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

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

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

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

26 (13) civil court actions (Sec. 118.052, Local
27 Government Code):

1 (A) filing of original action (Secs. 118.052 and
2 118.053, Local Government Code):

3 (i) garnishment after judgment (Sec.
4 118.052, Local Government Code) . . . \$15; and

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

7 (B) filing of action other than original (Secs.
8 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

15 (14) probate court actions (Sec. 118.052, Local
16 Government Code):

17 (A) probate original action (Secs. 118.052 and
18 118.055, Local Government Code):

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

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

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

27 (iv) declarations of heirship (Sec.

1 118.052, Local Government Code) . . . \$40;

2 (v) mental health or chemical dependency

3 services (Sec. 118.052, Local Government Code) . . . \$40; and

4 (vi) additional, special fee (Secs. 118.052

5 and 118.064, Local Government Code) . . . \$5;

6 (B) services in pending probate action (Secs.

7 118.052 and 118.056, Local Government Code):

8 (i) filing an inventory and appraisalment

9 after the 120th day after the date of the initial filing of the

10 action (Sec. 118.052, Local Government Code) . . . \$25;

11 (ii) approving and recording bond (Sec.

12 118.052, Local Government Code) . . . \$3;

13 (iii) administering oath (Sec. 118.052,

14 Local Government Code) . . . \$2;

15 (iv) filing annual or final account of

16 estate (Sec. 118.052, Local Government Code) . . . \$25;

17 (v) filing application for sale of real or

18 personal property (Sec. 118.052, Local Government Code) . . . \$25;

19 and

20 (vi) filing annual or final report of

21 guardian of a person (Sec. 118.052, Local Government

22 Code) . . . \$10;

23 (C) adverse probate action (Secs. 118.052 and

24 118.057, Local Government Code) . . . \$40; and

25 (D) claim against estate (Secs. 118.052 and

26 118.058, Local Government Code) . . . \$2;

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

1 (A) issuing document (Secs. 118.052 and 118.059,
2 Local Government Code):

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

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

7 (B) certified papers (Secs. 118.052 and 118.060,
8 Local Government Code):

9 (i) for the clerk's certificate (Sec.
10 118.052, Local Government Code) . . . \$5; and

11 (ii) a fee per page or part of a page (Sec.
12 118.052, Local Government Code) . . . \$1;

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

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

19 (E) safekeeping of wills (Secs. 118.052 and
20 118.062, Local Government Code) . . . \$5;

21 (F) mail service of process (Secs. 118.052 and
22 118.063, Local Government Code) . . . same as sheriff; and

23 (G) records management and preservation fee
24 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
25 . . . \$5;

26 (16) additional filing fee to fund the courthouse
27 security fund, if authorized by the county commissioners court

1 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

2 (17) additional filing fee for filing documents not
3 subject to certain filing fees to fund the courthouse security
4 fund, if authorized by the county commissioners court (Sec.
5 291.008, Local Government Code) . . . \$1;

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

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

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

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

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

23 SECTION 14. Section 102.021, Government Code, is amended to
24 read as follows:

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

27 (1) court costs on conviction of a felony (Sec.

1 133.102, Local Government Code) . . . \$133;

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

4 (3) court costs on conviction of a nonjailable
5 misdemeanor offense, including a criminal violation of a municipal
6 ordinance, other than a conviction of an offense relating to a
7 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
8 Government Code) . . . \$40;

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

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

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

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

20 (8) fees for services of peace officer:

21 (A) issuing a written notice to appear in court
22 for certain violations (Art. 102.011, Code of Criminal Procedure)
23 . . . \$5;

24 (B) executing or processing an issued arrest
25 warrant or capias (Art. 102.011, Code of Criminal
26 Procedure) . . . \$50;

27 (C) summoning a witness (Art. 102.011, Code of

- 1 Criminal Procedure) . . . \$5;
- 2 (D) serving a writ not otherwise listed (Art.
3 102.011, Code of Criminal Procedure) . . . \$35;
- 4 (E) taking and approving a bond and, if
5 necessary, returning the bond to courthouse (Art. 102.011, Code of
6 Criminal Procedure) . . . \$10;
- 7 (F) commitment or release (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;
- 9 (G) summoning a jury (Art. 102.011, Code of
10 Criminal Procedure) . . . \$5;
- 11 (H) attendance of a prisoner in habeas corpus
12 case if prisoner has been remanded to custody or held to bail (Art.
13 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 14 (I) mileage for certain services performed (Art.
15 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 16 (J) services of a sheriff or constable who serves
17 process and attends examining trial in certain cases (Art. 102.011,
18 Code of Criminal Procedure) . . . not to exceed \$5;
- 19 (9) services of a peace officer in conveying a witness
20 outside the county (Art. 102.011, Code of Criminal
21 Procedure) . . . \$10 per day or part of a day, plus actual
22 necessary travel expenses;
- 23 (10) overtime of peace officer for time spent
24 testifying in the trial or traveling to or from testifying in the
25 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
26 cost;
- 27 (11) court costs on an offense relating to rules of the

1 road, when offense occurs within a school crossing zone (Art.
2 102.014, Code of Criminal Procedure) . . . \$25;

3 (12) court costs on an offense of passing a school bus
4 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

5 (13) court costs on an offense of truancy or
6 contributing to truancy (Art. 102.014, Code of Criminal
7 Procedure) . . . \$20;

8 (14) cost for visual recording of intoxication arrest
9 before conviction (Art. 102.018, Code of Criminal
10 Procedure) . . . \$15;

11 (15) cost of certain evaluations (Art. 102.018, Code
12 of Criminal Procedure) . . . actual cost;

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

17 (17) cost for DNA testing for certain felonies (Art.
18 102.020, Code of Criminal Procedure) . . . \$250;

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

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

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

27 (21) a civil and criminal enforcement cost on

1 conviction of an offense of, or related to, the nonpayment of a toll
2 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;
3 and

4 (22) court cost on conviction of any offense, other
5 than a conviction of an offense relating to a pedestrian or the
6 parking of a motor vehicle (Sec. 133.105, Local Government
7 Code) . . . \$2.

8 SECTION 15. Sections 22.214(e), 659.012(b) and (d), Chapter
9 31, and Subchapter A, Chapter 32, Government Code, are repealed.

10 SECTION 16. Notwithstanding the repeal of Chapter 31, and
11 Subchapter A, Chapter 32, Government Code, by this Act, a county may
12 continue to supplement the salary under the General Appropriations
13 Act of a judge serving on September 1, 2005, but the combined amount
14 of a judge's salary under the General Appropriations Act and any
15 county supplement may not exceed the combined amount of the judge's
16 salary from state and county funds for the fiscal year beginning
17 September 1, 2004.

18 SECTION 17. (a) Not later than December 1, 2005, the Office
19 of Court Administration of the Texas Judicial System shall begin
20 collecting the data required by Section 72.030, Government Code, as
21 added by this Act.

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

25 SECTION 18. (a) Section 814.103, Government Code, as
26 amended by this Act, and Section 814.1031, Government Code, as
27 added by this Act, apply only to an annuity payment made on or after

1 September 1, 2005.

2 (b) The Employees Retirement System of Texas shall
3 recompute an annuity that first became payable before September 1,
4 2005, as though Section 814.103, Government Code, as amended by
5 this Act, and Section 814.1031, as added by this Act, were in effect
6 on the date the annuity first became payable.

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

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