

AN ACT

relating to a county's authority to impose a records archive fee and to certain fees for records management and preservation.

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

SECTION 1. Subsection (e), Section 118.025, Local Government Code, is amended to read as follows:

(e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. The county clerk shall designate the public documents that are part of the records archive for purposes of this section. The designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting.

SECTION 2. Article 102.005, Code of Criminal Procedure, is amended by amending Subsection (f) and adding Subsections (g) and (h) to read as follows:

(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 shall be collected and distributed by the clerk of the court to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit as follows:

(1) \$22.50 to the county records management and

1 preservation fund for records management and preservation,
2 including automation, in various county offices; and

3 (2) \$2.50 to the records management and preservation
4 fund of the clerk of the court for records management and
5 preservation services performed by the clerk of the court [~~in the~~
6 ~~same manner as fees are collected and distributed under Section~~
7 ~~51.317(c), Government Code. The fee received by a county shall be~~
8 ~~placed in a special fund to be called the records management and~~
9 ~~preservation fund. The fee shall be used only for records~~
10 ~~management and preservation purposes in the county as required by~~
11 ~~Chapter 203, Local Government Code. No expenditures may be made~~
12 ~~from this fund without prior approval of the commissioners court]~~.

13 (g) A fee deposited in accordance with Subsection (f) may be
14 used only to provide funds for specific records management and
15 preservation, including for automation purposes, on approval by the
16 commissioners court of a budget as provided by Chapter 111, Local
17 Government Code.

18 (h) An expenditure from a records management and
19 preservation fund must comply with Subchapter C, Chapter 262, Local
20 Government Code.

21 SECTION 3. Subsection (c), Section 51.317, Government Code,
22 is amended to read as follows:

23 (c) The district clerk, after collecting a fee under
24 Subsection (b)(4), shall pay the fee to the county treasurer, or to
25 an official who discharges the duties commonly delegated to the
26 county treasurer, for deposit as follows:

27 (1) \$5 to the county records management and

1 preservation fund for records management and preservation,
2 including automation, in various county offices; and

3 (2) \$5 to the district clerk records management and
4 preservation fund for records management and preservation services
5 performed by the district clerk when [~~after~~] a case or document is
6 filed in the records office of the district clerk.

7 SECTION 4. 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) . . . \$25 [~~\$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.

26 SECTION 5. Section 102.061, Government Code, is amended to
27 read as follows:

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

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

6 (2) a fee for services of the clerk of the court (Art.
7 102.005, Code of Criminal Procedure) . . . \$40;

8 (3) a records management and preservation services fee
9 (Art. 102.005, Code of Criminal Procedure) . . . \$25 [~~\$20~~];

10 (4) a security fee on a misdemeanor offense (Art.
11 102.017, Code of Criminal Procedure) . . . \$3;

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

14 (6) a court cost on conviction in Comal County (Sec.
15 152.0522, Human Resources Code) . . . \$4.

16 SECTION 6. Section 102.081, Government Code, is amended to
17 read as follows:

18 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
19 COUNTY COURT. The clerk of a county court shall collect fees and
20 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 clerk of the court services (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.

1 102.017, Code of Criminal Procedure) . . . \$3; and

2 (5) a graffiti eradication fee (Art. 102.0171, Code of
3 Criminal Procedure) . . . \$5.

4 SECTION 7. Subsection (g), Section 118.011, and Subdivision
5 (4), Subsection (a), and Subsection (k), Section 118.025, Local
6 Government Code, are repealed.

7 SECTION 8. The changes in law made by this Act apply only to
8 a fee that becomes payable on or after the effective date of this
9 Act. A fee that became payable before the effective date of this
10 Act is governed by the law in effect when the fee became payable,
11 and that law is continued in effect for that purpose.

12 SECTION 9. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 526 passed the Senate on April 21, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 526 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor