

By: Madla

S.B. No. 1003

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an additional filing fee for civil cases filed in Bexar
3 County.

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

5 SECTION 1. Subchapter H, Chapter 51, Government Code, is
6 amended by adding Section 51.706 to read as follows:

7 Sec. 51.706. ADDITIONAL FILING FEE FOR CIVIL CASES IN BEXAR
8 COUNTY. (a) This section applies only to district courts, probate
9 courts, county courts at law, and justice courts in Bexar County.
10 This section does not apply to small claims courts in Bexar County.

11 (b) In addition to all other fees authorized or required by
12 other law, the clerk of a court shall collect a filing fee of not
13 more than \$15 in each civil case filed in the court to be used for
14 the construction, renovation, or improvement of the facilities that
15 house the Bexar County civil courts.

16 (c) Court fees due under this section shall be collected in
17 the same manner as other fees, fines, or costs are collected in the
18 case.

19 (d) The clerk shall send the fees collected under this
20 section to the county treasurer or to any other official who
21 discharges the duties commonly assigned to the county treasurer at
22 least as frequently as monthly. The treasurer or other official
23 shall deposit the fees in a special account in the county treasury
24 dedicated to the construction, renovation, or improvement of the

1 facilities that house the courts collecting the fee.

2 (e) This section applies only to fees for a 12-month period
3 beginning October 1, if the commissioners court:

4 (1) adopts a resolution authorizing a fee of not more
5 than \$15;

6 (2) adopts a resolution requiring the county to spend
7 one dollar for the construction, renovation, or improvement of the
8 court facilities for each dollar spent from the special account
9 dedicated to that purpose; and

10 (3) files the resolutions with the county treasurer or
11 with any other official who discharges the duties commonly assigned
12 to the county treasurer not later than September 1 immediately
13 preceding the first 12-month period during which the fees are to be
14 collected.

15 (f) A resolution adopted under Subsection (e) continues
16 from year to year until October 1, 2020, allowing the county to
17 collect fees under the terms of this section until the resolution is
18 rescinded.

19 (g) The commissioners court may rescind a resolution
20 adopted under Subsection (e) by adopting a resolution rescinding
21 the resolution and submitting the rescission resolution to the
22 county treasurer or to any other official who discharges the duties
23 commonly assigned to the county treasurer not later than September
24 1 preceding the beginning of the first day of the county fiscal
25 year. The commissioners court may adopt an additional resolution
26 in the manner provided by Subsection (e) after rescinding a
27 previous resolution under that subsection.

1 (h) A fee established under a particular resolution is
2 abolished on the earlier of:

3 (1) the date a resolution adopted under Subsection (e)
4 is rescinded as provided by Subsection (g); or

5 (2) October 1, 2020.

6 (i) The county may make the required expenditure described
7 by Subsection (e)(2) at any time, regardless of when the
8 expenditure from the special account occurs.

9 SECTION 2. Section 101.061, Government Code, is amended to
10 read as follows:

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

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

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

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

25 (4) appellate judicial system filing fees for:

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

1 (B) Second Court of Appeals District (Sec.
2 22.2031, Government Code) . . . not more than \$5;

3 (C) Fourth Court of Appeals District (Sec.
4 22.2051, Government Code) . . . not more than \$5;

5 (D) Fifth Court of Appeals District (Sec.
6 22.2061, Government Code) . . . not more than \$5; and

7 (E) Thirteenth Court of Appeals District (Sec.
8 22.2141, Government Code) . . . not more than \$5;

9 (5) additional filing fees:

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

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

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

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

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

25 (D) on the filing of any civil action or
26 proceeding requiring a filing fee, including an appeal, and on the
27 filing of any counterclaim, cross-action, intervention,

1 interpleader, or third-party action requiring a filing fee, to fund
2 civil legal services for the indigent:

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

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

9 (E) to fund the improvement of Bexar County court
10 facilities, if authorized by the county commissioners court (Sec.
11 51.706, Government Code) . . . not more than \$15;

12 (6) for filing a suit, including an appeal from an
13 inferior court:

14 (A) for a suit with 10 or fewer plaintiffs (Sec.
15 51.317, Government Code) . . . \$50;

16 (B) for a suit with at least 11 but not more than
17 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

18 (C) for a suit with at least 26 but not more than
19 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

20 (D) for a suit with at least 101 but not more than
21 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

22 (E) for a suit with at least 501 but not more than
23 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

26 (7) for filing a cross-action, counterclaim,
27 intervention, contempt action, motion for new trial, or third-party

- 1 petition (Sec. 51.317, Government Code) . . . \$15;
- 2 (8) for issuing a citation or other writ or process not
3 otherwise provided for, including one copy, when requested at the
4 time a suit or action is filed (Sec. 51.317, Government Code) . . .
5 \$8;
- 6 (9) for records management and preservation (Sec.
7 51.317, Government Code) . . . \$10;
- 8 (10) for issuing a subpoena, including one copy (Sec.
9 51.318, Government Code) . . . \$8;
- 10 (11) for issuing a citation, commission for
11 deposition, writ of execution, order of sale, writ of execution and
12 order of sale, writ of injunction, writ of garnishment, writ of
13 attachment, or writ of sequestration not provided for in Section
14 51.317, or any other writ or process not otherwise provided for,
15 including one copy if required by law (Sec. 51.318, Government
16 Code) . . . \$8;
- 17 (12) for searching files or records to locate a cause
18 when the docket number is not provided (Sec. 51.318, Government
19 Code) . . . \$5;
- 20 (13) for searching files or records to ascertain the
21 existence of an instrument or record in the district clerk's office
22 (Sec. 51.318, Government Code) . . . \$5;
- 23 (14) for abstracting a judgment (Sec. 51.318,
24 Government Code) . . . \$8;
- 25 (15) for approving a bond (Sec. 51.318, Government
26 Code) . . . \$4;
- 27 (16) for a certified copy of a record, judgment,

1 order, pleading, or paper on file or of record in the district
2 clerk's office, including certificate and seal, for each page or
3 part of a page (Sec. 51.318, Government Code) . . . \$1;

4 (17) for a noncertified copy, for each page or part of
5 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

6 (18) jury fee (Sec. 51.604, Government Code) . . .
7 \$30;

8 (19) for filing a report of divorce or annulment (Sec.
9 194.002, Health and Safety Code) . . . \$1;

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

12 (21) additional filing fee for family protection on
13 filing a suit for dissolution of a marriage under Chapter 6, Family
14 Code, if authorized by the county commissioners court (Sec. 51.961,
15 Government Code) . . . not to exceed \$15;

16 (22) fee on filing a suit for dissolution of a marriage
17 for services of child support department in Harris County, if
18 authorized by the county commissioners court (Sec. 152.1074, Human
19 Resources Code) . . . not to exceed \$12;

20 (23) fee on filing a suit requesting an adoption in
21 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

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

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

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

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

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

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

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

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

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

26 (33) when administering a case for the Rockwall County
27 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and

1 court costs as if the case had been filed in district court;

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

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

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.