

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 at least as frequently as monthly.  
21 The treasurer shall deposit the fees in a special account in the  
22 county treasury dedicated to the construction, renovation, or  
23 improvement of the facilities that house the courts collecting the  
24 fee.

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

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

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

9           (3) files the resolutions with the county treasurer  
10 not later than September 1 immediately preceding the first 12-month  
11 period during which the fees are to be collected.

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15 rescinded.

16       (g) The commissioners court may rescind a resolution  
17 adopted under Subsection (e) by adopting a resolution rescinding  
18 the resolution and submitting the rescission resolution to the  
19 county treasurer not later than September 1 preceding the beginning  
20 of the first day of the county fiscal year. The commissioners court  
21 may adopt an additional resolution in the manner provided by  
22 Subsection (e) after rescinding a previous resolution under that  
23 subsection.

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

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27 is rescinded as provided by Subsection (g); or

1           (2) October 1, 2020.

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

5           SECTION 2. Section 101.061, Government Code, is amended to  
6 read as follows:

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

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

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

17           (3) 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           (4) appellate judicial system filing fees for:

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 (5) additional filing fees:

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

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

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

15 (ii) for any case other than a case  
16 described by Subparagraph (i) (Sec. 133.151, Local Government Code)  
17 . . . \$50;

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

21 (D) on the filing of any civil action or  
22 proceeding requiring a filing fee, including an appeal, and on the  
23 filing of any counterclaim, cross-action, intervention,  
24 interpleader, or third-party action requiring a filing fee, to fund  
25 civil legal services for the indigent:

26 (i) for family law cases and proceedings as  
27 defined by Section 25.0002, Government Code (Sec. 133.152, Local

1 Government Code) . . . \$5; or

2 (ii) for any case other than a case  
3 described by Subparagraph (i) (Sec. 133.152, Local Government Code)  
4 . . . \$10; and

5 (E) to fund the improvement of Bexar County court  
6 facilities, if authorized by the county commissioners court (Sec.  
7 51.706, Government Code) . . . not more than \$15;

8 (6) for filing a suit, including an appeal from an  
9 inferior court:

10 (A) for a suit with 10 or fewer plaintiffs (Sec.  
11 51.317, Government Code) . . . \$50;

12 (B) for a suit with at least 11 but not more than  
13 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

14 (C) for a suit with at least 26 but not more than  
15 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

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

18 (E) for a suit with at least 501 but not more than  
19 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

25 (8) for issuing a citation or other writ or process not  
26 otherwise provided for, including one copy, when requested at the  
27 time a suit or action is filed (Sec. 51.317, Government Code) . . .

1 \$8;

2 (9) for records management and preservation (Sec.  
3 51.317, Government Code) . . . \$10;

4 (10) for issuing a subpoena, including one copy (Sec.  
5 51.318, Government Code) . . . \$8;

6 (11) for issuing a citation, commission for  
7 deposition, writ of execution, order of sale, writ of execution and  
8 order of sale, writ of injunction, writ of garnishment, writ of  
9 attachment, or writ of sequestration not provided for in Section  
10 51.317, or any other writ or process not otherwise provided for,  
11 including one copy if required by law (Sec. 51.318, Government  
12 Code) . . . \$8;

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

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

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

21 (15) for approving a bond (Sec. 51.318, Government  
22 Code) . . . \$4;

23 (16) for a certified copy of a record, judgment,  
24 order, pleading, or paper on file or of record in the district  
25 clerk's office, including certificate and seal, for each page or  
26 part of a page (Sec. 51.318, Government Code) . . . \$1;

27 (17) for a noncertified copy, for each page or part of

- 1 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 2 (18) jury fee (Sec. 51.604, Government Code) . . . \$30;
- 3 (19) for filing a report of divorce or annulment (Sec.  
4 194.002, Health and Safety Code) . . . \$1;
- 5 (20) for filing a suit in Comal County (Sec. 152.0522,  
6 Human Resources Code) . . . \$4;
- 7 (21) additional filing fee for family protection on  
8 filing a suit for dissolution of a marriage under Chapter 6, Family  
9 Code, if authorized by the county commissioners court (Sec. 51.961,  
10 Government Code) . . . not to exceed \$15;
- 11 (22) fee on filing a suit for dissolution of a marriage  
12 for services of child support department in Harris County, if  
13 authorized by the county commissioners court (Sec. 152.1074, Human  
14 Resources Code) . . . not to exceed \$12;
- 15 (23) fee on filing a suit requesting an adoption in  
16 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;
- 17 (24) court cost on citation for contempt of court for  
18 failure to comply with child support order in Nueces County, if  
19 authorized by the commissioners court (Sec. 152.1844, Human  
20 Resources Code) . . . not to exceed \$10;
- 21 (25) fee on filing a suit for divorce in Orange County  
22 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;
- 23 (26) court costs on citation for contempt of court in  
24 Orange County for failure to comply with a child support order or  
25 order providing for possession of or access to a child (Sec.  
26 152.1873, Human Resources Code) . . . amount determined by district  
27 clerk;

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

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

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

9           (30) additional filing fee for filing documents not  
10 subject to certain filing fees to fund the courthouse security  
11 fund, if authorized by the county commissioners court (Sec.  
12 291.008, Local Government Code) . . . \$1;

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

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

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

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

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

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