

By: Madla

S.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

relating to the records management and preservation services fee.

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

SECTION 1. 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 \$30 [~~\$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) \$25 to the county records management and preservation fund for records management and preservation, including automation, in various county offices; and

(2) \$5 to the records management and preservation fund of the clerk of the court for records management and preservation services performed by the clerk of the court when a case or document specified by Section 51.317, Government Code, is filed in the records office of the clerk [~~in the same manner as fees are collected and distributed under Section 51.317(c), Government Code. The fee received by a county shall be placed in a special fund to be called the records management and preservation fund. The fee~~

1 ~~shall be used only for records management and preservation purposes~~
2 ~~in the county as required by Chapter 203, Local Government Code. No~~
3 ~~expenditures may be made from this fund without prior approval of~~
4 ~~the commissioners court].~~

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

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

13 SECTION 2. Section 51.317(c), Government Code, is amended
14 to read as follows:

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

19 (1) \$5 to the county records management and
20 preservation fund for records management and preservation,
21 including automation, in various county offices; and

22 (2) \$5 to the district clerk records management and
23 preservation fund for records management and preservation services
24 performed by the district clerk when ~~after~~ a case or document is
25 filed in the records office of the district clerk.

26 SECTION 3. Section 102.041, Government Code, is amended to
27 read as follows:

1 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
2 DISTRICT COURT. The clerk of a district court shall collect fees
3 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 clerk of the court services (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) . . . \$30 [~~\$20~~];

10 (4) a security fee on a felony offense (Art. 102.017,
11 Code of Criminal Procedure) . . . \$5;

12 (5) a security fee on a misdemeanor offense (Art.
13 102.017, Code of Criminal Procedure) . . . \$3;

14 (6) a graffiti eradication fee (Art. 102.0171, Code of
15 Criminal Procedure) . . . \$5; and

16 (7) a court cost on conviction in Comal County (Sec.
17 152.0522, Human Resources Code) . . . \$4.

18 SECTION 4. Section 102.061, Government Code, is amended to
19 read as follows:

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

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

25 (2) a fee for services of the clerk of the court (Art.
26 102.005, Code of Criminal Procedure) . . . \$40;

27 (3) a records management and preservation services fee

1 (Art. 102.005, Code of Criminal Procedure) . . . \$30 [~~\$20~~];

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

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

6 (6) a court cost on conviction in Comal County (Sec.
7 152.0522, Human Resources Code) . . . \$4.

8 SECTION 5. Section 102.081, Government Code, is amended to
9 read as follows:

10 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
11 COUNTY COURT. The clerk of a county court shall collect fees and
12 costs on conviction of a defendant as follows:

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

15 (2) a fee for clerk of the court services (Art.
16 102.005, Code of Criminal Procedure) . . . \$40;

17 (3) a records management and preservation services fee
18 (Art. 102.005, Code of Criminal Procedure) . . . \$30 [~~\$20~~];

19 (4) a security fee on a misdemeanor offense (Art.
20 102.017, Code of Criminal Procedure) . . . \$3; and

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

23 SECTION 6. The changes in law made by this Act apply only to
24 a fee that becomes payable on or after the effective date of this
25 Act. A fee that became payable before the effective date of this
26 Act is governed by the law in effect when the fee became payable,
27 and that law is continued in effect for that purpose.

1 SECTION 7. This Act takes effect September 1, 2005.