

By: Estes

S.B. No. 1603

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of certain costs associated with certain civil suits by the Parks and Wildlife Department.

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

SECTION 1. Subchapter D, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.308 to read as follows:

Sec. 12.308. CERTAIN COSTS RECOVERABLE. (a) The actual cost of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the department in a civil suit under this subchapter may be recovered in addition to damages for the value of any fish, shellfish, reptile, amphibian, bird, or animal unlawfully killed, caught, taken, possessed, or injured.

(b) Any amounts recovered under this section shall be credited to the same operating accounts from which the expenditures occurred.

SECTION 2. Section 103.022, Government Code, is amended to read as follows:

Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following fees and costs shall be paid or collected as follows:

(1) fee for use of an interpreter in civil cases (Sec. 21.051, Civil Practice and Remedies Code) . . . \$3;

(2) fee for custodian of a record compelled by a court to produce or certify the record (Sec. 22.004, Civil Practice and Remedies Code) . . . \$1;

1           (3) cost for use of certified copy of the record of  
2 names of all trustees appointed by any state organization of a  
3 religious congregation in this state (Sec. 126.012, Civil Practice  
4 and Remedies Code) . . . \$1.50;

5           (4) filing of a restitution lien (Art. 42.22, Code of  
6 Criminal Procedure) . . . \$5;

7           (5) issuance and service of a warrant of arrest for  
8 certain offenses if prescribed by the municipality (Art. 45.203,  
9 Code of Criminal Procedure) . . . not to exceed \$25;

10          (6) filing a certified copy of a judicial finding of  
11 fact and conclusion of law if charged by the secretary of state  
12 (Sec. 51.905, Government Code) . . . \$15;

13          (7) costs of determining and sending information  
14 concerning the identity of the court with continuing, exclusive  
15 jurisdiction if charged by the bureau of vital statistics (Sec.  
16 108.006, Family Code) . . . reasonable fee;

17          (8) initial operations fee paid to domestic relations  
18 office on filing of a suit affecting the parent-child relationship,  
19 if authorized by the administering entity (Sec. 203.005, Family  
20 Code) . . . not to exceed \$15;

21          (9) initial child support service fee paid to domestic  
22 relations office in certain counties on filing of a suit affecting  
23 the parent-child relationship, if authorized by the administering  
24 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

25          (10) service fee for services of a domestic relations  
26 office, if authorized by the administering entity (Sec. 203.005,  
27 Family Code) . . . not to exceed \$3 per month;

1           (11) fee from a Title IV-D agency for each item of  
2 process to each individual on whom service is required, including  
3 service by certified or registered mail (Sec. 231.202, Family Code)  
4 . . . the amount that a sheriff or constable may charge for serving  
5 process under Section 118.131, Local Government Code;

6           (12) a copy of records of spousal or child support and  
7 fees administered in Dallas County if authorized by the local  
8 administrative judge (Sec. 152.0634, Human Resources  
9 Code) . . . not to exceed \$2 per page;

10           (13) collecting, disbursing, or monitoring spousal or  
11 child support payments in Dallas County (Sec. 152.0635, Human  
12 Resources Code) . . . not to exceed \$3 per month;

13           (14) fee for adoption, family, and home study  
14 investigations in an adoption in Dallas County (Sec. 152.0635,  
15 Human Resources Code) . . . not to exceed \$250;

16           (15) certain transactions with respect to a suit for  
17 spousal support or a suit affecting the parent-child relationship  
18 in Harris County, if authorized by the county commissioners court  
19 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per  
20 transaction;

21           (16) child support service fee in Nueces County, if  
22 authorized by the county commissioners court (Sec. 152.1844, Human  
23 Resources Code) . . . not to exceed \$5 per month;

24           (17) services by the offices of the sheriff and  
25 constables (Sec. 118.131, Local Government Code) . . . amount set  
26 by county commissioners court;

27           (18) cost paid by each surety posting the bail bond for

1 an offense other than a misdemeanor punishable by fine only under  
2 Chapter 17, Code of Criminal Procedure, for the felony prosecutor  
3 supplement fund and the fair defense account (Sec. 41.258,  
4 Government Code) . . . \$15, provided the cost does not exceed \$30  
5 for all bail bonds posted at that time for an individual and the  
6 cost is not required on the posting of a personal or cash bond;

7 (19) appraiser's fee as court costs for determining  
8 the fair value of ownership interests of owners who have perfected  
9 their rights (Sec. 10.365, Business Organizations Code) . . . a  
10 reasonable fee; ~~and~~

11 (20) to participate in a court proceeding in this  
12 state, a nonresident attorney fee for civil legal services to the  
13 indigent (Sec. 82.0361, Government Code) . . . \$250 except as  
14 waived or reduced under supreme court rules for representing an  
15 indigent person; and

16 (21) costs of investigation, reasonable attorney's  
17 fees, and reasonable expert witness fees in a civil suit or a  
18 criminal prosecution for recovery of the value of any fish,  
19 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks  
20 and Wildlife Code) . . . actual costs.

21 SECTION 3. The change in law made by this Act applies only  
22 to a civil suit under Subchapter D, Chapter 12, Parks and Wildlife  
23 Code, that commences on or after the effective date of this Act. A  
24 civil suit under Subchapter D, Chapter 12, Parks and Wildlife Code,  
25 that commences before the effective date of this Act is governed by  
26 the law in effect at the time the suit commenced, and that law is  
27 continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2005.