

1-1 By: Estes S.B. No. 1603
1-2 (In the Senate - Filed March 11, 2005; March 23, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 20, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the recovery of certain costs associated with certain
1-9 civil suits by the Parks and Wildlife Department.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter D, Chapter 12, Parks and Wildlife
1-12 Code, is amended by adding Section 12.308 to read as follows:

1-13 Sec. 12.308. CERTAIN COSTS RECOVERABLE. (a) The actual
1-14 cost of investigation, reasonable attorney's fees, and reasonable
1-15 expert witness fees incurred by the department in a civil suit under
1-16 this subchapter may be recovered in addition to damages for the
1-17 value of any fish, shellfish, reptile, amphibian, bird, or animal
1-18 unlawfully killed, caught, taken, possessed, or injured.

1-19 (b) Any amounts recovered under this section shall be
1-20 credited to the same operating accounts from which the expenditures
1-21 occurred.

1-22 SECTION 2. Section 103.022, Government Code, is amended to
1-23 read as follows:

1-24 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following
1-25 fees and costs shall be paid or collected as follows:

1-26 (1) fee for use of an interpreter in civil cases (Sec.
1-27 21.051, Civil Practice and Remedies Code) . . . \$3;

1-28 (2) fee for custodian of a record compelled by a court
1-29 to produce or certify the record (Sec. 22.004, Civil Practice and
1-30 Remedies Code) . . . \$1;

1-31 (3) cost for use of certified copy of the record of
1-32 names of all trustees appointed by any state organization of a
1-33 religious congregation in this state (Sec. 126.012, Civil Practice
1-34 and Remedies Code) . . . \$1.50;

1-35 (4) filing of a restitution lien (Art. 42.22, Code of
1-36 Criminal Procedure) . . . \$5;

1-37 (5) issuance and service of a warrant of arrest for
1-38 certain offenses if prescribed by the municipality (Art. 45.203,
1-39 Code of Criminal Procedure) . . . not to exceed \$25;

1-40 (6) filing a certified copy of a judicial finding of
1-41 fact and conclusion of law if charged by the secretary of state
1-42 (Sec. 51.905, Government Code) . . . \$15;

1-43 (7) costs of determining and sending information
1-44 concerning the identity of the court with continuing, exclusive
1-45 jurisdiction if charged by the bureau of vital statistics (Sec.
1-46 108.006, Family Code) . . . reasonable fee;

1-47 (8) initial operations fee paid to domestic relations
1-48 office on filing of a suit affecting the parent-child relationship,
1-49 if authorized by the administering entity (Sec. 203.005, Family
1-50 Code) . . . not to exceed \$15;

1-51 (9) initial child support service fee paid to domestic
1-52 relations office in certain counties on filing of a suit affecting
1-53 the parent-child relationship, if authorized by the administering
1-54 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

1-55 (10) service fee for services of a domestic relations
1-56 office, if authorized by the administering entity (Sec. 203.005,
1-57 Family Code) . . . not to exceed \$3 per month;

1-58 (11) fee from a Title IV-D agency for each item of
1-59 process to each individual on whom service is required, including
1-60 service by certified or registered mail (Sec. 231.202, Family Code)
1-61 . . . the amount that a sheriff or constable may charge for serving
1-62 process under Section 118.131, Local Government Code;

1-63 (12) a copy of records of spousal or child support and
1-64 fees administered in Dallas County if authorized by the local

2-1 administrative judge (Sec. 152.0634, Human Resources
2-2 Code) . . . not to exceed \$2 per page;

2-3 (13) collecting, disbursing, or monitoring spousal or
2-4 child support payments in Dallas County (Sec. 152.0635, Human
2-5 Resources Code) . . . not to exceed \$3 per month;

2-6 (14) fee for adoption, family, and home study
2-7 investigations in an adoption in Dallas County (Sec. 152.0635,
2-8 Human Resources Code) . . . not to exceed \$250;

2-9 (15) certain transactions with respect to a suit for
2-10 spousal support or a suit affecting the parent-child relationship
2-11 in Harris County, if authorized by the county commissioners court
2-12 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per
2-13 transaction;

2-14 (16) child support service fee in Nueces County, if
2-15 authorized by the county commissioners court (Sec. 152.1844, Human
2-16 Resources Code) . . . not to exceed \$5 per month;

2-17 (17) services by the offices of the sheriff and
2-18 constables (Sec. 118.131, Local Government Code) . . . amount set
2-19 by county commissioners court;

2-20 (18) cost paid by each surety posting the bail bond for
2-21 an offense other than a misdemeanor punishable by fine only under
2-22 Chapter 17, Code of Criminal Procedure, for the felony prosecutor
2-23 supplement fund and the fair defense account (Sec. 41.258,
2-24 Government Code) . . . \$15, provided the cost does not exceed \$30
2-25 for all bail bonds posted at that time for an individual and the
2-26 cost is not required on the posting of a personal or cash bond;

2-27 (19) appraiser's fee as court costs for determining
2-28 the fair value of ownership interests of owners who have perfected
2-29 their rights (Sec. 10.365, Business Organizations Code) . . . a
2-30 reasonable fee; ~~and~~

2-31 (20) to participate in a court proceeding in this
2-32 state, a nonresident attorney fee for civil legal services to the
2-33 indigent (Sec. 82.0361, Government Code) . . . \$250 except as
2-34 waived or reduced under supreme court rules for representing an
2-35 indigent person; and

2-36 (21) costs of investigation, reasonable attorney's
2-37 fees, and reasonable expert witness fees in a civil suit or a
2-38 criminal prosecution for recovery of the value of any fish,
2-39 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks
2-40 and Wildlife Code) . . . actual costs.

2-41 SECTION 3. The change in law made by this Act applies only
2-42 to a civil suit under Subchapter D, Chapter 12, Parks and Wildlife
2-43 Code, that commences on or after the effective date of this Act. A
2-44 civil suit under Subchapter D, Chapter 12, Parks and Wildlife Code,
2-45 that commences before the effective date of this Act is governed by
2-46 the law in effect at the time the suit commenced, and that law is
2-47 continued in effect for that purpose.

2-48 SECTION 4. This Act takes effect September 1, 2005.

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