

By: Hartnett

H.B. No. 367

A BILL TO BE ENTITLED

AN ACT

relating to the fees paid by a relator in certain proceedings originating in a court of appeals.

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

SECTION 1. Section 51.207(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals district \$150; [~~\$100~~]

(2) [~~motion~~] for petitions filed [~~leave to file petition~~] for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the court of appeals \$225; and [~~\$50~~]

(3) for any [~~additional fee if the motion under Subdivision (2) is granted~~] \$75

[~~(4)~~] motion in an [~~to file or to extend time to file record on~~] appeal from district or county court \$25. [~~\$10~~]

SECTION 2. Section 101.041, Government Code, is amended to read as follows:

Sec. 101.041. COURT OF APPEALS FEES AND COSTS. The clerk of a court of appeals shall collect fees and costs as follows:

(1) for cases appealed to and filed in the court of appeals from the district and county courts within its court of

1 appeals district (Sec. 51.207, Government Code) . . . \$150 [~~\$100~~];

2 (2) [~~motion~~] for petitions filed [~~leave to file~~
3 ~~petition~~] for writ of mandamus, prohibition, injunction, and other
4 similar proceedings originating in the court of appeals (Sec.
5 51.207, Government Code) . . . \$225 [~~\$50~~];

6 (3) any [~~additional fee if the motion under~~
7 ~~Subdivision (2) is granted (Sec. 51.207, Government Code) . . .~~
8 ~~\$75;~~

9 [~~(4)~~] motion in an [~~to file or to extend time to file~~
10 ~~record on~~] appeal from district or county court (Sec. 51.207,
11 Government Code) . . . \$25 [~~\$10~~];

12 (4) [~~(5)~~] administering an oath and giving a sealed
13 certificate of oath (Sec. 51.207, Government Code) . . . \$5;

14 (5) [~~(6)~~] certified copy of papers of record in court
15 offices, including certificate and seal (Sec. 51.207, Government
16 Code) . . . \$5, or \$1 per page if more than five pages;

17 (6) [~~(7)~~] comparing any document with the original
18 filed in the offices of the court for purposes of certification
19 (Sec. 51.207, Government Code) . . . \$5, or \$1 per page if more than
20 five pages;

21 (7) [~~(8)~~] any official service performed by the clerk
22 for which a fee is not otherwise provided (Sec. 51.207, Government
23 Code) . . . a reasonable fee set by the order or rule of the supreme
24 court; and

25 (8) [~~(9)~~] additional filing fee to fund civil legal
26 services for the indigent (Sec. 51.941, Government Code) . . . \$25.

27 SECTION 3. Section 51.207, Government Code, as amended by

1 this Act, applies only to a fee collected for a proceeding
2 originating in a court of appeals on or after September 1, 2007. A
3 fee collected for a proceeding originating in a court of appeals
4 before September 1, 2007, is governed by the law in effect on the
5 date the motion for leave to file a petition for writ was filed, and
6 the former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2007.