

By: Dutton

H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to the collection of a family protection fee.

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

SECTION 1. Sections 51.961(a) and (d), Government Code, are amended to read as follows:

(a) The commissioners court of a county shall adopt a family protection fee in an amount not to exceed \$15 [~~\$30~~].

(d) The clerk shall pay a [~~one-half of the~~] fee collected under this section to the appropriate officer of the county in which the suit is filed for deposit in the county treasury to the credit of the family protection account. The account may be used by the commissioners court of the county only to fund a service provider located in that county or an adjacent county. The commissioners court may provide funding to a nonprofit organization that provides services described by Subsection (e).

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

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

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

(2) fee for service of notice of action with respect to a fraudulent court record or fraudulent lien or claim filed against

1 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
2 to exceed \$20, if notice delivered in person, or the cost of
3 postage, if service is by registered or certified mail;

4 (3) court cost in certain civil cases to establish and
5 maintain an alternative dispute resolution system, if authorized by
6 the county commissioners court (Sec. 152.004, Civil Practice and
7 Remedies Code) . . . not to exceed \$10;

8 (4) appellate judicial system filing fees for:

9 (A) First or Fourteenth Court of Appeals District
10 (Sec. 22.2021, Government Code) . . . not more than \$5;

11 (B) Second Court of Appeals District (Sec.
12 22.2031, Government Code) . . . not more than \$5;

13 (C) Fourth Court of Appeals District (Sec.
14 22.2051, Government Code) . . . not more than \$5;

15 (D) Fifth Court of Appeals District (Sec.
16 22.2061, Government Code) . . . not more than \$5; and

17 (E) Thirteenth Court of Appeals District (Sec.
18 22.2141, Government Code) . . . not more than \$5;

19 (5) additional filing fees:

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

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

26 (i) for family law cases and proceedings as
27 defined by Section 25.0002, Government Code (Sec. 133.151, Local

1 Government Code) . . . \$45; or

2 (ii) for any case other than a case
3 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
4 . . . \$50;

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

8 (D) on the filing of any civil action or
9 proceeding requiring a filing fee, including an appeal, and on the
10 filing of any counterclaim, cross-action, intervention,
11 interpleader, or third-party action requiring a filing fee, to fund
12 civil legal services for the indigent:

13 (i) for family law cases and proceedings as
14 defined by Section 25.0002, Government Code (Sec. 133.152, Local
15 Government Code) . . . \$5; or

16 (ii) for any case other than a case
17 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
18 . . . \$10;

19 (6) for filing a suit, including an appeal from an
20 inferior court:

21 (A) for a suit with 10 or fewer plaintiffs (Sec.
22 51.317, Government Code) . . . \$50;

23 (B) for a suit with at least 11 but not more than
24 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

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

27 (D) for a suit with at least 101 but not more than

1 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

2 (E) for a suit with at least 501 but not more than
3 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

9 (8) for issuing a citation or other writ or process not
10 otherwise provided for, including one copy, when requested at the
11 time a suit or action is filed (Sec. 51.317, Government Code) . . .
12 \$8;

13 (9) for records management and preservation (Sec.
14 51.317, Government Code) . . . \$10;

15 (10) for issuing a subpoena, including one copy (Sec.
16 51.318, Government Code) . . . \$8;

17 (11) for issuing a citation, commission for
18 deposition, writ of execution, order of sale, writ of execution and
19 order of sale, writ of injunction, writ of garnishment, writ of
20 attachment, or writ of sequestration not provided for in Section
21 51.317, or any other writ or process not otherwise provided for,
22 including one copy if required by law (Sec. 51.318, Government
23 Code) . . . \$8;

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

27 (13) for searching files or records to ascertain the

1 existence of an instrument or record in the district clerk's office
2 (Sec. 51.318, Government Code) . . . \$5;

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

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

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

11 (17) for a noncertified copy, for each page or part of
12 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

13 (18) jury fee (Sec. 51.604, Government Code) . . . \$30;

14 (19) for filing a report of divorce or annulment (Sec.
15 194.002, Health and Safety Code) . . . \$1;

16 (20) for filing a suit in Comal County (Sec. 152.0522,
17 Human Resources Code) . . . \$4;

18 (21) additional filing fee for family protection on
19 filing a suit for dissolution of a marriage under Chapter 6, Family
20 Code, if authorized by the county commissioners court (Sec. 51.961,
21 Government Code) . . . not to exceed \$15 [~~\$30~~];

22 (22) fee on filing a suit for dissolution of a marriage
23 for services of child support department in Harris County, if
24 authorized by the county commissioners court (Sec. 152.1074, Human
25 Resources Code) . . . not to exceed \$12;

26 (22-a) a child support service fee in Nueces County if
27 ordered by the commissioners court and assessed by the court (Sec.

1 152.1844, Human Resources Code) . . . not to exceed \$5 a month
2 payable annually in advance;

3 (22-b) a service fee to be paid by a person ordered by
4 a district court to pay child or spousal support:

5 (A) in Collin County if authorized by the
6 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
7 exceed \$2.50 added to first support payment each month;

8 (B) in Johnson County if authorized by the
9 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
10 added to first support payment each month; and

11 (C) in Montague County (Sec. 152.1752, Human
12 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
13 cents if fee is ordered to be paid semimonthly or weekly;

14 (22-c) attorney's fees as an additional cost in
15 Montague County on a finding of contempt of court for failure to pay
16 child or spousal support if the contempt action is initiated by the
17 probation department (Sec. 152.1752, Human Resources Code) . . .
18 \$15;

19 (23) fee on filing a suit requesting an adoption in
20 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

21 (24) court cost on citation for contempt of court for
22 failure to comply with child support order in Nueces County, if
23 authorized by the commissioners court (Sec. 152.1844, Human
24 Resources Code) . . . not to exceed \$10;

25 (25) fee on filing a suit for divorce in Orange County
26 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

27 (26) court costs on citation for contempt of court in

1 Orange County for failure to comply with a child support order or
2 order providing for possession of or access to a child (Sec.
3 152.1873, Human Resources Code) . . . amount determined by district
4 clerk;

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

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

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

13 (30) additional filing fee for filing documents not
14 subject to certain filing fees to fund the courthouse security
15 fund, if authorized by the county commissioners court (Sec.
16 291.008, Local Government Code) . . . \$1;

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

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

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

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

5 (35) at a hearing held by an associate judge in Duval
6 County, a court cost to preserve the record (Sec. 54.1151,
7 Government Code [~~as added by Chapter 1150, Acts of the 78th~~
8 ~~Legislature, Regular Session, 2003~~]) . . . as imposed by the
9 referring court or associate judge;

10 (36) court fees and costs, if ordered by the court, for
11 a suit filed by an inmate in which an affidavit or unsworn
12 declaration of inability to pay costs is filed by the inmate (Sec.
13 14.006, Civil Practice and Remedies Code) . . . the lesser of:

14 (A) 20 percent of the preceding six months'
15 deposits to the inmate's trust account administered by the Texas
16 Department of Criminal Justice under Section 501.014, Government
17 Code; or

18 (B) the total amount of court fees and costs;

19 (37) monthly payment for remaining court fees and
20 costs after the initial payment for a suit in which an affidavit or
21 unsworn declaration of inability to pay costs is filed by the inmate
22 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

23 (A) 10 percent of that month's deposit to the
24 inmate's trust account administered by the Texas Department of
25 Criminal Justice under Section 501.014, Government Code; or

26 (B) the total amount of court fees and costs that
27 remain unpaid;

1 (38) the following costs not otherwise charged to the
2 inmate under Section 14.006, Civil Practice and Remedies Code, if
3 the inmate has previously filed an action dismissed as malicious or
4 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

5 (A) expenses of service of process;

6 (B) postage; and

7 (C) transportation, housing, or medical care
8 incurred in connection with the appearance of the inmate in the
9 court for any proceeding;

10 (39) fee for performing a service:

11 (A) related to the matter of the estate of a
12 deceased person (Sec. 51.319, Government Code) . . . the same fee
13 allowed the county clerk for those services;

14 (B) related to the matter of a minor (Sec.
15 51.319, Government Code) . . . the same fee allowed the county clerk
16 for the service;

17 (C) of serving process by certified or registered
18 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
19 constable is authorized to charge for the service under Section
20 118.131, Local Government Code; and

21 (D) prescribed or authorized by law but for which
22 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

23 (40) court costs, which may include expert witness
24 fees in Travis County in an action in which the plaintiff prevails
25 against an insurer for economic damages sustained by the plaintiff
26 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
27 . . . court costs and reasonable and necessary expert witness fees;

1 (41) security deposit on filing, by any person other
2 than the personal representative of an estate, an application,
3 complaint, or opposition in relation to the estate, if required by
4 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
5 proceeding;

6 (42) security deposit on filing, by any person other
7 than the guardian, attorney ad litem, or guardian ad litem, an
8 application, complaint, or opposition in relation to a guardianship
9 matter, if required by the clerk (Sec. 622, Texas Probate
10 Code) . . . probable cost of the guardianship proceeding; and

11 (43) fee for filing an additional petition for review
12 of an appraisal review board order relating to certain regulated
13 property running through or operating in more than one county after
14 the first petition for review relating to the same property is filed
15 for a tax year (Sec. 42.221, Tax Code) . . . \$5.

16 SECTION 3. Section 51.961(g), Government Code, is repealed.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.