

1-1 By: Dutton (Senate Sponsor - West) H.B. No. 764
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 10, 2007, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 10, 2007, sent to printer.)

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

1-8 relating to the collection of a family protection fee.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Sections 51.961(a) and (d), Government Code, are
1-11 amended to read as follows:

1-12 (a) The commissioners court of a county shall adopt a family
1-13 protection fee in an amount not to exceed \$15 [~~\$30~~].

1-14 (d) The clerk shall pay a [~~one-half of the~~] fee collected
1-15 under this section to the appropriate officer of the county in which
1-16 the suit is filed for deposit in the county treasury to the credit
1-17 of the family protection account. The account may be used by the
1-18 commissioners court of the county only to fund a service provider
1-19 located in that county or an adjacent county. The commissioners
1-20 court may provide funding to a nonprofit organization that provides
1-21 services described by Subsection (e).

1-22 SECTION 2. Section 101.061, Government Code, is amended to
1-23 read as follows:

1-24 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of
1-25 a district court shall collect fees and costs as follows:

1-26 (1) filing fee in action with respect to a fraudulent
1-27 court record or fraudulent lien or claim filed against property
1-28 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

1-29 (2) fee for service of notice of action with respect to
1-30 a fraudulent court record or fraudulent lien or claim filed against
1-31 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
1-32 to exceed \$20, if notice delivered in person, or the cost of
1-33 postage, if service is by registered or certified mail;

1-34 (3) court cost in certain civil cases to establish and
1-35 maintain an alternative dispute resolution system, if authorized by
1-36 the county commissioners court (Sec. 152.004, Civil Practice and
1-37 Remedies Code) . . . not to exceed \$10;

1-38 (4) appellate judicial system filing fees for:

1-39 (A) First or Fourteenth Court of Appeals District
1-40 (Sec. 22.2021, Government Code) . . . not more than \$5;

1-41 (B) Second Court of Appeals District (Sec.
1-42 22.2031, Government Code) . . . not more than \$5;

1-43 (C) Fourth Court of Appeals District (Sec.
1-44 22.2051, Government Code) . . . not more than \$5;

1-45 (D) Fifth Court of Appeals District (Sec.
1-46 22.2061, Government Code) . . . not more than \$5; and

1-47 (E) Thirteenth Court of Appeals District (Sec.
1-48 22.2141, Government Code) . . . not more than \$5;

1-49 (5) additional filing fees:

1-50 (A) for each suit filed for insurance contingency
1-51 fund, if authorized by the county commissioners court (Sec. 51.302,
1-52 Government Code) . . . not to exceed \$5;

1-53 (B) for each civil suit filed, for court-related
1-54 purposes for the support of the judiciary and for civil legal
1-55 services to an indigent:

1-56 (i) for family law cases and proceedings as
1-57 defined by Section 25.0002, Government Code (Sec. 133.151, Local
1-58 Government Code) . . . \$45; or

1-59 (ii) for any case other than a case
1-60 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
1-61 . . . \$50;

1-62 (C) to fund the improvement of Dallas County
1-63 civil court facilities, if authorized by the county commissioners
1-64 court (Sec. 51.705, Government Code) . . . not more than \$15; and

2-1 (D) on the filing of any civil action or
 2-2 proceeding requiring a filing fee, including an appeal, and on the
 2-3 filing of any counterclaim, cross-action, intervention,
 2-4 interpleader, or third-party action requiring a filing fee, to fund
 2-5 civil legal services for the indigent:
 2-6 (i) for family law cases and proceedings as
 2-7 defined by Section 25.0002, Government Code (Sec. 133.152, Local
 2-8 Government Code) . . . \$5; or
 2-9 (ii) for any case other than a case
 2-10 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
 2-11 . . . \$10;
 2-12 (6) for filing a suit, including an appeal from an
 2-13 inferior court:
 2-14 (A) for a suit with 10 or fewer plaintiffs (Sec.
 2-15 51.317, Government Code) . . . \$50;
 2-16 (B) for a suit with at least 11 but not more than
 2-17 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
 2-18 (C) for a suit with at least 26 but not more than
 2-19 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
 2-20 (D) for a suit with at least 101 but not more than
 2-21 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
 2-22 (E) for a suit with at least 501 but not more than
 2-23 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
 2-24 (F) for a suit with more than 1,000 plaintiffs
 2-25 (Sec. 51.317, Government Code) . . . \$200;
 2-26 (7) for filing a cross-action, counterclaim,
 2-27 intervention, contempt action, motion for new trial, or third-party
 2-28 petition (Sec. 51.317, Government Code) . . . \$15;
 2-29 (8) for issuing a citation or other writ or process not
 2-30 otherwise provided for, including one copy, when requested at the
 2-31 time a suit or action is filed (Sec. 51.317, Government Code) . . .
 2-32 \$8;
 2-33 (9) for records management and preservation (Sec.
 2-34 51.317, Government Code) . . . \$10;
 2-35 (10) for issuing a subpoena, including one copy (Sec.
 2-36 51.318, Government Code) . . . \$8;
 2-37 (11) for issuing a citation, commission for
 2-38 deposition, writ of execution, order of sale, writ of execution and
 2-39 order of sale, writ of injunction, writ of garnishment, writ of
 2-40 attachment, or writ of sequestration not provided for in Section
 2-41 51.317, or any other writ or process not otherwise provided for,
 2-42 including one copy if required by law (Sec. 51.318, Government
 2-43 Code) . . . \$8;
 2-44 (12) for searching files or records to locate a cause
 2-45 when the docket number is not provided (Sec. 51.318, Government
 2-46 Code) . . . \$5;
 2-47 (13) for searching files or records to ascertain the
 2-48 existence of an instrument or record in the district clerk's office
 2-49 (Sec. 51.318, Government Code) . . . \$5;
 2-50 (14) for abstracting a judgment (Sec. 51.318,
 2-51 Government Code) . . . \$8;
 2-52 (15) for approving a bond (Sec. 51.318, Government
 2-53 Code) . . . \$4;
 2-54 (16) for a certified copy of a record, judgment,
 2-55 order, pleading, or paper on file or of record in the district
 2-56 clerk's office, including certificate and seal, for each page or
 2-57 part of a page (Sec. 51.318, Government Code) . . . \$1;
 2-58 (17) for a noncertified copy, for each page or part of
 2-59 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
 2-60 (18) jury fee (Sec. 51.604, Government Code) . . . \$30;
 2-61 (19) for filing a report of divorce or annulment (Sec.
 2-62 194.002, Health and Safety Code) . . . \$1;
 2-63 (20) for filing a suit in Comal County (Sec. 152.0522,
 2-64 Human Resources Code) . . . \$4;
 2-65 (21) additional filing fee for family protection on
 2-66 filing a suit for dissolution of a marriage under Chapter 6, Family
 2-67 Code, if authorized by the county commissioners court (Sec. 51.961,
 2-68 Government Code) . . . not to exceed \$15 [~~\$30~~];
 2-69 (22) fee on filing a suit for dissolution of a marriage

3-1 for services of child support department in Harris County, if
3-2 authorized by the county commissioners court (Sec. 152.1074, Human
3-3 Resources Code) . . . not to exceed \$12;
3-4 (22-a) a child support service fee in Nueces County if
3-5 ordered by the commissioners court and assessed by the court (Sec.
3-6 152.1844, Human Resources Code) . . . not to exceed \$5 a month
3-7 payable annually in advance;
3-8 (22-b) a service fee to be paid by a person ordered by
3-9 a district court to pay child or spousal support:
3-10 (A) in Collin County if authorized by the
3-11 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
3-12 exceed \$2.50 added to first support payment each month;
3-13 (B) in Johnson County if authorized by the
3-14 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
3-15 added to first support payment each month; and
3-16 (C) in Montague County (Sec. 152.1752, Human
3-17 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
3-18 cents if fee is ordered to be paid semimonthly or weekly;
3-19 (22-c) attorney's fees as an additional cost in
3-20 Montague County on a finding of contempt of court for failure to pay
3-21 child or spousal support if the contempt action is initiated by the
3-22 probation department (Sec. 152.1752, Human Resources Code) . . .
3-23 \$15;
3-24 (23) fee on filing a suit requesting an adoption in
3-25 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;
3-26 (24) court cost on citation for contempt of court for
3-27 failure to comply with child support order in Nueces County, if
3-28 authorized by the commissioners court (Sec. 152.1844, Human
3-29 Resources Code) . . . not to exceed \$10;
3-30 (25) fee on filing a suit for divorce in Orange County
3-31 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;
3-32 (26) court costs on citation for contempt of court in
3-33 Orange County for failure to comply with a child support order or
3-34 order providing for possession of or access to a child (Sec.
3-35 152.1873, Human Resources Code) . . . amount determined by district
3-36 clerk;
3-37 (27) fee on filing a suit requesting an adoption in
3-38 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
3-39 than \$25;
3-40 (28) fee on filing a suit requesting an adoption in
3-41 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;
3-42 (29) additional filing fee to fund the courthouse
3-43 security fund, if authorized by the county commissioners court
3-44 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
3-45 (30) additional filing fee for filing documents not
3-46 subject to certain filing fees to fund the courthouse security
3-47 fund, if authorized by the county commissioners court (Sec.
3-48 291.008, Local Government Code) . . . \$1;
3-49 (31) additional filing fee to fund the courthouse
3-50 security fund in Webb County, if authorized by the county
3-51 commissioners court (Sec. 291.009, Local Government Code) . . . not
3-52 to exceed \$20;
3-53 (32) court cost in civil cases other than suits for
3-54 delinquent taxes to fund the county law library fund, if authorized
3-55 by the county commissioners court (Sec. 323.023, Local Government
3-56 Code) . . . not to exceed \$35;
3-57 (33) when administering a case for the Rockwall County
3-58 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
3-59 court costs as if the case had been filed in district court;
3-60 (34) at a hearing held by an associate judge in Dallas
3-61 County, a court cost to preserve the record, in the absence of a
3-62 court reporter, by other means (Sec. 54.509, Government Code) . . .
3-63 as assessed by the referring court or associate judge;
3-64 (35) at a hearing held by an associate judge in Duval
3-65 County, a court cost to preserve the record (Sec. 54.1151,
3-66 Government Code [~~as added by Chapter 1150, Acts of the 78th~~
3-67 ~~Legislature, Regular Session, 2003~~]) . . . as imposed by the
3-68 referring court or associate judge;
3-69 (36) court fees and costs, if ordered by the court, for

4-1 a suit filed by an inmate in which an affidavit or unsworn
4-2 declaration of inability to pay costs is filed by the inmate (Sec.
4-3 14.006, Civil Practice and Remedies Code) . . . the lesser of:

4-4 (A) 20 percent of the preceding six months'
4-5 deposits to the inmate's trust account administered by the Texas
4-6 Department of Criminal Justice under Section 501.014, Government
4-7 Code; or

4-8 (B) the total amount of court fees and costs;
4-9 (37) monthly payment for remaining court fees and
4-10 costs after the initial payment for a suit in which an affidavit or
4-11 unsworn declaration of inability to pay costs is filed by the inmate
4-12 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

4-13 (A) 10 percent of that month's deposit to the
4-14 inmate's trust account administered by the Texas Department of
4-15 Criminal Justice under Section 501.014, Government Code; or

4-16 (B) the total amount of court fees and costs that
4-17 remain unpaid;

4-18 (38) the following costs not otherwise charged to the
4-19 inmate under Section 14.006, Civil Practice and Remedies Code, if
4-20 the inmate has previously filed an action dismissed as malicious or
4-21 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

4-22 (A) expenses of service of process;

4-23 (B) postage; and

4-24 (C) transportation, housing, or medical care
4-25 incurred in connection with the appearance of the inmate in the
4-26 court for any proceeding;

4-27 (39) fee for performing a service:

4-28 (A) related to the matter of the estate of a
4-29 deceased person (Sec. 51.319, Government Code) . . . the same fee
4-30 allowed the county clerk for those services;

4-31 (B) related to the matter of a minor (Sec.
4-32 51.319, Government Code) . . . the same fee allowed the county clerk
4-33 for the service;

4-34 (C) of serving process by certified or registered
4-35 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
4-36 constable is authorized to charge for the service under Section
4-37 118.131, Local Government Code; and

4-38 (D) prescribed or authorized by law but for which
4-39 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

4-40 (40) court costs, which may include expert witness
4-41 fees in Travis County in an action in which the plaintiff prevails
4-42 against an insurer for economic damages sustained by the plaintiff
4-43 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
4-44 . . . court costs and reasonable and necessary expert witness fees;

4-45 (41) security deposit on filing, by any person other
4-46 than the personal representative of an estate, an application,
4-47 complaint, or opposition in relation to the estate, if required by
4-48 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
4-49 proceeding;

4-50 (42) security deposit on filing, by any person other
4-51 than the guardian, attorney ad litem, or guardian ad litem, an
4-52 application, complaint, or opposition in relation to a guardianship
4-53 matter, if required by the clerk (Sec. 622, Texas Probate
4-54 Code) . . . probable cost of the guardianship proceeding; and

4-55 (43) fee for filing an additional petition for review
4-56 of an appraisal review board order relating to certain regulated
4-57 property running through or operating in more than one county after
4-58 the first petition for review relating to the same property is filed
4-59 for a tax year (Sec. 42.221, Tax Code) . . . \$5.

4-60 SECTION 3. Section 51.961(g), Government Code, is repealed.

4-61 SECTION 4. This Act takes effect immediately if it receives
4-62 a vote of two-thirds of all the members elected to each house, as
4-63 provided by Section 39, Article III, Texas Constitution. If this
4-64 Act does not receive the vote necessary for immediate effect, this
4-65 Act takes effect September 1, 2007.

4-66 * * * * *