

By: Gattis, et al.

H.B. No. 1356

A BILL TO BE ENTITLED

AN ACT

relating to longevity pay for assistant prosecutors.

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

SECTION 1. Section 41.251(1), Government Code, is amended to read as follows:

(1) "Assistant prosecutor" means an assistant district attorney, an assistant criminal district attorney, or an assistant county attorney [~~to a county attorney compensated by the state to perform the duties of a district attorney~~].

SECTION 2. The heading to Section 41.258, Government Code, is amended to read as follows:

Sec. 41.258. ASSISTANT [~~FELONY~~] PROSECUTOR SUPPLEMENT FUND AND FAIR DEFENSE ACCOUNT.

SECTION 3. Sections 41.258(a), (i), and (j), Government Code, are amended to read as follows:

(a) The assistant [~~felony~~] prosecutor supplement fund is created in the state treasury.

(i) The comptroller shall deposit two-thirds of the funds received under this section in the assistant [~~felony~~] prosecutor supplement fund and one-third of the funds received under this section to the fair defense account. A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided under this subsection.

(j) The comptroller shall pay supplements from the

1 assistant [~~felony~~] prosecutor supplement fund as provided by this
2 subchapter. At the end of each fiscal year, any unexpended balance
3 in the fund in excess of \$1.5 million may be transferred to the
4 general revenue fund.

5 SECTION 4. Section 103.022, Government Code, is amended to
6 read as follows:

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

9 (1) fee for use of an interpreter in civil cases (Sec.
10 21.051, Civil Practice and Remedies Code) . . . \$3;

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

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

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

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

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

26 (7) costs of determining and sending information
27 concerning the identity of the court with continuing, exclusive

1 jurisdiction if charged by the bureau of vital statistics (Sec.
2 108.006, Family Code) . . . reasonable fee;

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

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

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

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

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

24 (13) child support service fee in Smith County if
25 court allows assessment by child support office (Sec. 152.2183,
26 Human Resources Code) . . . not to exceed \$2.50 a month;

27 (14) services by the offices of the sheriff and

1 constables (Sec. 118.131, Local Government Code). . . amount set by
2 county commissioners court;

3 (15) cost paid by each surety posting the bail bond for
4 an offense other than a misdemeanor punishable by fine only under
5 Chapter 17, Code of Criminal Procedure, for the assistant [~~felony~~]
6 prosecutor supplement fund and the fair defense account (Sec.
7 41.258, Government Code). . . \$15, provided the cost does not
8 exceed \$30 for all bail bonds posted at that time for an individual
9 and the cost is not required on the posting of a personal or cash
10 bond;

11 (16) appraiser's fee as court costs for determining
12 the fair value of ownership interests of owners who have perfected
13 their rights (Sec. 10.365, Business Organizations Code). . . a
14 reasonable fee; and

15 (16-a) an appraiser's fee as court costs for
16 determining the fair value of the shares of the shareholders
17 entitled to payment for their shares in a real estate investment
18 trust (Sec. 25.20, Art. 6138A, Vernon's Texas Civil Statutes) . . .
19 a reasonable fee;

20 (16-b) an appraiser's fee as court costs for
21 determining the fair value of the shares of the shareholders
22 entitled to payment for their shares by the existing, surviving, or
23 new corporation (Art. 5.12, Texas Business Corporation Act) . . . a
24 reasonable fee;

25 (17) to participate in a court proceeding in this
26 state, a nonresident attorney fee for civil legal services to the
27 indigent (Sec. 82.0361, Government Code). . . \$250 except as waived

1 or reduced under supreme court rules for representing an indigent
2 person;[-]

3 (18) costs of investigation, reasonable attorney's
4 fees, and reasonable expert witness fees in a civil suit or a
5 criminal prosecution for recovery of the value of any fish,
6 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks
7 and Wildlife Code) . . . actual costs;[-]

8 (18-a) [~~(18)~~] a witness's fee for one day to be paid by
9 the party who subpoenas the witness (Sec. 22.001, Civil Practice
10 and Remedies Code) . . . \$10;

11 (19) on a party's appeal of a final decision in a
12 contested case, the cost of preparing the original or a certified
13 copy of the record of the agency proceeding, if required by the
14 agency's rule, as a court cost (Sec. 2001.177, Government Code)
15 . . . as assessed by the court, all or part of the cost of
16 preparation;

17 (20) the costs of arbitration in cases between a
18 juvenile board and a school district that fail to agree on a
19 memorandum of understanding related to the juvenile justice
20 alternative education program (Sec. 37.011, Education Code) . . .
21 each party its pro rata share of the costs;

22 (21) compensation to a referee in juvenile court in
23 Wichita County taxed as costs if the judge determines the parties
24 are able to pay the costs (Sec. 54.403, Government Code) . . . as
25 determined by the judge;

26 (22) the expense of preserving the record as a court
27 cost in Brazos County if imposed on a party by the referring court

1 or magistrate (Sec. 54.1111, Government Code) . . . actual cost;

2 (23) a filing fee or recording fee for each page of a
3 legal paper presented for filing or recording that fails to meet
4 certain requirements regarding paper size, weight, substance,
5 headings, legibility, the presence of typed or printed names under
6 each signature, and number and size of riders or attachments (Sec.
7 191.007, Local Government Code) . . . twice the regular filing fee
8 or recording fee provided by statute for that page, rider, or
9 attachment;

10 (24) a processing fee as authorized by the
11 commissioners court for the payment by credit card of a fee, court
12 cost, or other charge processed by a county or precinct officer
13 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
14 reasonably related to the expense incurred by the county or
15 precinct officer but not to exceed five percent of the amount of the
16 fee, court cost, or other charge being paid;

17 (25) a processing fee as authorized by the governing
18 body of the municipality for the payment by credit card of a fee,
19 court cost, or other charge processed by a municipal official
20 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
21 reasonably related to the expense incurred by the municipal
22 official but not to exceed five percent of the amount of the fee,
23 court cost, or other charge being paid;

24 (26) a handling fee, if authorized by the
25 commissioners court under Section 132.002, Local Government Code,
26 for electronically processing the payment of a fee, fine, court
27 cost, or other charge (Secs. 132.002 and 132.003, Local Government

1 Code):

2 (A) charged at a flat rate that does not exceed \$5
3 for each payment transaction; or

4 (B) charged at a rate reasonably related to the
5 expense incurred in processing a payment and that does not exceed
6 five percent of the amount of the fee, court cost, or other charge
7 being paid;

8 (27) a fee, if authorized by the commissioners court,
9 collected by a county or precinct officer on behalf of the county
10 from a person making payment by credit card of a fee, court cost, or
11 other charge (Sec. 132.003, Local Government Code) . . . an amount
12 equal to the amount of any transaction fee charged to the county by
13 a vendor providing services in connection with payments made by
14 credit card;

15 (28) a fee for sale of securities under an offering
16 that has not been registered, if the transaction or securities are
17 not exempt (Art. 581-35-2, Vernon's Texas Civil Statutes) . . . as
18 set by the securities commissioner or court, but not to exceed six
19 times the amount that would have been paid if the issuer had filed
20 an application to register the securities and paid the fee
21 prescribed based on the amount of sales made in this state within
22 the prior three years, plus interest on that amount from the date of
23 the first sale made in this state until the date the fee is paid; and

24 (29) a fee for mailing an order vacating or staying an
25 order suspending a license to the appropriate licensing authority
26 (Sec. 232.013, Family Code) . . . \$5 for each order mailed.

27 SECTION 5. The changes in law made by this Act apply to

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1 lifetime service credit accrued by eligible assistant prosecutors
2 before, on, and after the effective date of this Act.

3 SECTION 6. This Act takes effect September 1, 2007.