

By: Haggerty

H.B. No. 3548

A BILL TO BE ENTITLED

AN ACT

relating to court reporter service fees.

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

SECTION 1. Section 51.601(a), Government Code, is amended to read as follows:

(a) The clerk of each court that has an official court reporter shall collect a court reporter service fee of \$30 [~~\$15~~] as a court cost in each civil case filed with the clerk to maintain a court reporter who is available for assignment in the court.

SECTION 2. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

1 (4) repayment of reward paid by a crime stoppers
2 organization on conviction of a felony (Art. 37.073, Code of
3 Criminal Procedure) . . . amount ordered;

4 (5) reimbursement to general revenue fund for payments
5 made to victim of an offense as condition of community supervision
6 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
7 a misdemeanor offense or \$100 for a felony offense;

8 (6) payment to a crime stoppers organization as
9 condition of community supervision (Art. 42.12, Code of Criminal
10 Procedure) . . . not to exceed \$50;

11 (7) children's advocacy center fee (Art. 42.12, Code
12 of Criminal Procedure) . . . not to exceed \$50;

13 (8) family violence shelter center fee (Art. 42.12,
14 Code of Criminal Procedure) . . . not to exceed \$100;

15 (9) community supervision fee (Art. 42.12, Code of
16 Criminal Procedure) . . . not less than \$25 or more than \$60 per
17 month;

18 (10) additional community supervision fee for certain
19 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
20 month;

21 (11) for certain financially able sex offenders as a
22 condition of community supervision, the costs of treatment,
23 specialized supervision, or rehabilitation (Art. 42.12, Code of
24 Criminal Procedure) . . . all or part of the reasonable and
25 necessary costs of the treatment, supervision, or rehabilitation as
26 determined by the judge;

27 (12) fee for failure to appear for trial in a justice

1 or municipal court if a jury trial is not waived (Art. 45.026, Code
2 of Criminal Procedure) . . . costs incurred for impaneling the
3 jury;

4 (13) costs of certain testing, assessments, or
5 programs during a deferral period (Art. 45.051, Code of Criminal
6 Procedure) . . . amount ordered;

7 (14) special expense on dismissal of certain
8 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
9 . . . not to exceed amount of fine assessed;

10 (15) an additional fee:

11 (A) as an administrative fee for requesting a
12 driving safety course or a course under the motorcycle operator
13 training and safety program for certain traffic offenses to cover
14 the cost of administering the article (Art. 45.0511(f)(1), Code of
15 Criminal Procedure) . . . not to exceed \$10; or

16 (B) for requesting a driving safety course or a
17 course under the motorcycle operator training and safety program
18 before the final disposition of the case (Art. 45.0511(f)(2), Code
19 of Criminal Procedure) . . . not to exceed the maximum amount of the
20 fine for the offense committed by the defendant;

21 (16) a request fee for teen court program (Art.
22 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

23 (17) a fee to cover costs of required duties of teen
24 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;

25 (18) a mileage fee for officer performing certain
26 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
27 mile;

1 (19) certified mailing of notice of hearing date (Art.
2 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

3 (20) certified mailing of certified copies of an order
4 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
5 plus postage;

6 (20-a) a fee to defray the cost of notifying state
7 agencies of orders of expungement (Art. 45.0216, Code of Criminal
8 Procedure) . . . \$30 per application;

9 (20-b) a fee to defray the cost of notifying state
10 agencies of orders of expunction (Art. 45.055, Code of Criminal
11 Procedure) . . . \$30 per application;

12 (20-c) a fee to defray the cost of notifying state
13 agencies of orders of expungement (Sec. 106.12, Alcoholic Beverage
14 Code) . . . \$30 per application;

15 (20-d) a fee to defray the cost of notifying state
16 agencies of orders of expungement (Sec. 161.255, Health and Safety
17 Code) . . . \$30 per application;

18 (21) sight orders:

19 (A) if the face amount of the check or sight order
20 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
21 . . . not to exceed \$10;

22 (B) if the face amount of the check or sight order
23 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
24 Criminal Procedure) . . . not to exceed \$15;

25 (C) if the face amount of the check or sight order
26 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
27 Criminal Procedure) . . . not to exceed \$30;

1 (D) if the face amount of the check or sight order
2 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
3 Criminal Procedure) . . . not to exceed \$50; and

4 (E) if the face amount of the check or sight order
5 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
6 . . . not to exceed \$75;

7 (22) fees for a pretrial intervention program (Art.
8 102.012, Code of Criminal Procedure) . . . \$60 a month plus
9 expenses;

10 (23) parking fee violations for child safety fund in
11 municipalities with populations:

12 (A) greater than 850,000 (Art. 102.014, Code of
13 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

14 (B) less than 850,000 (Art. 102.014, Code of
15 Criminal Procedure) . . . not to exceed \$5;

16 (24) an administrative fee for collection of fines,
17 fees, restitution, or other costs (Art. 102.072, Code of Criminal
18 Procedure) . . . not to exceed \$2 for each transaction;

19 (25) a court reporter fee when testimony is taken:

20 (A) in a criminal court in Dallas County (Sec.
21 25.0593, Government Code) . . . \$3;

22 (B) in a county criminal court of appeals in
23 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

24 (C) in a county court at law in McLennan County
25 (Sec. 25.1572, Government Code) . . . \$3; and

26 (D) in a county criminal court in Tarrant County
27 (Sec. 25.2223, Government Code) . . . \$3;

1 (26) a speedy trial filing fee in El Paso County (Sec.
2 54.745, Government Code) . . . \$100;

3 (27) costs for use of magistrate in Brazos County
4 (Sec. 54.1116, Government Code) . . . not to exceed \$50;

5 (28) an administrative fee for participation in
6 certain community supervision programs (Sec. 76.015, Government
7 Code) . . . not less than \$25 and not more than \$40 per month;

8 (29) in family matters:

9 (A) issuing writ of withholding (Sec. 8.262,
10 Family Code) . . . \$15;

11 (B) filing copy of writ of withholding to
12 subsequent employer (Sec. 8.267, Family Code) . . . \$15;

13 (C) issuing and delivering modified writ of
14 withholding or notice of termination (Sec. 8.302, Family Code)
15 . . . \$15;

16 (D) issuing and delivering notice of termination
17 of withholding (Sec. 8.303, Family Code) . . . \$15;

18 (E) issuance of change of name certificate (Sec.
19 45.106, Family Code) . . . \$10;

20 (F) protective order fee (Sec. 81.003, Family
21 Code) . . . \$16;

22 (G) filing suit requesting adoption of child
23 (Sec. 108.006, Family Code) . . . \$15;

24 (H) filing fees for suits affecting parent-child
25 relationship (Sec. 110.002, Family Code):

26 (i) suit or motion for modification (Sec.
27 110.002, Family Code) . . . \$15;

- 1 (ii) motion for enforcement (Sec. 110.002,
2 Family Code) . . . \$15;
- 3 (iii) notice of application for judicial
4 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
- 5 (iv) motion to transfer (Sec. 110.002,
6 Family Code) . . . \$15;
- 7 (v) petition for license suspension (Sec.
8 110.002, Family Code) . . . \$ 15;
- 9 (vi) motion to revoke a stay of license
10 suspension (Sec. 110.002, Family Code) . . . \$15; and
- 11 (vii) motion for contempt (Sec. 110.002,
12 Family Code) . . . \$15;
- 13 (I) order or writ of income withholding to be
14 delivered to employer (Sec. 110.004, Family Code) . . . not to
15 exceed \$15;
- 16 (J) filing fee for transferred case (Sec.
17 110.005, Family Code) . . . \$ 45;
- 18 (K) filing a writ of withholding (Sec. 158.319,
19 Family Code) . . . \$ 15;
- 20 (L) filing a request for modified writ of
21 withholding or notice of termination (Sec. 158.403, Family Code)
22 . . . not to exceed \$15;
- 23 (M) filing an administrative writ to employer
24 (Sec. 158.503, Family Code) . . . not to exceed \$15; and
- 25 (N) genetic testing fees in relation to a child
26 born to a gestational mother (Sec. 160.762, Family Code) . . . as
27 assessed by the court;

- 1 (30) in juvenile court:
- 2 (A) fee schedule for deferred prosecution
- 3 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;
- 4 (B) a teen court administration fee (Sec. 54.032,
- 5 Family Code) . . . not to exceed \$10;
- 6 (C) court costs for juvenile probation diversion
- 7 fund (Sec. 54.0411, Family Code) . . . \$20;
- 8 (D) a juvenile delinquency prevention fee (Sec.
- 9 54.0461, Family Code) . . . \$5; and
- 10 (E) a court fee for child's probationary period
- 11 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;
- 12 (31) a court reporter service fee if the courts have
- 13 official court reporters (Sec. 51.601, Government Code) . . . \$30
- 14 [~~\$15~~];
- 15 (32) administrative fee on dismissal of charge of
- 16 driving with an expired motor vehicle registration (Sec. 502.407,
- 17 Transportation Code) . . . not to exceed \$10;
- 18 (33) administrative fee on dismissal of charge of
- 19 driving with an expired driver's license (Sec. 521.026,
- 20 Transportation Code) . . . not to exceed \$10;
- 21 (34) administrative fee on remediation of charge of
- 22 driving with an expired inspection certificate (Sec. 548.605,
- 23 Transportation Code) . . . not to exceed \$10;
- 24 (35) administrative fee for failure to appear for a
- 25 complaint or citation on certain offenses (Sec. 706.006,
- 26 Transportation Code) . . . \$30 for each violation;
- 27 (36) administrative fee for failure to pay or satisfy

1 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;

2 (37) fee paid on filing a petition for an order of
3 nondisclosure of criminal history record information in certain
4 cases (Sec. 411.081, Government Code) . . . \$28;

5 (38) on a finding that an animal's owner has cruelly
6 treated the animal, court costs including:

7 (A) investigation (Sec. 821.023, Health and
8 Safety Code) . . . actual costs;

9 (B) expert witnesses (Sec. 821.023, Health and
10 Safety Code) . . . actual costs;

11 (C) housing and caring for the animal during its
12 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
13 costs;

14 (D) conducting any public sale ordered by the
15 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
16 and

17 (E) humanely destroying the animal if
18 destruction is ordered by the court (Sec. 821.023, Health and
19 Safety Code) . . . actual costs;

20 (39) the costs of a criminal magistrate if the court
21 determines that the nonprevailing party is able to defray the
22 costs:

23 (A) in Bexar County (Sec. 54.913, Government
24 Code) . . . magistrate's fees;

25 (B) in Dallas County (Sec. 54.313, Government
26 Code) . . . magistrate's fees;

27 (C) in Lubbock County (Sec. 54.883, Government

1 Code) . . . magistrate's fees;

2 (D) in Tarrant County (Sec. 54.663, Government
3 Code) . . . magistrate's fees;

4 (E) in Travis County (Sec. 54.983, Government
5 Code) . . . magistrate's fees; and

6 (F) in Williamson County (Sec. 54.958,
7 Government Code) . . . expense of the magistrate; and

8 (40) a collection fee, if authorized by the
9 commissioners court of a county or the governing body of a
10 municipality, for certain debts and accounts receivable, including
11 unpaid fines, fees, court costs, forfeited bonds, and restitution
12 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
13 percent of an amount more than 60 days past due.

14 SECTION 3. The change in law made by this Act applies only
15 to a case filed with the clerk of a court that has an official court
16 reporter on or after the effective date of this Act. A case filed
17 with the clerk of the court before the effective date of this Act is
18 governed by the law as it existed immediately before the effective
19 date of this Act, and the former law is continued in effect for that
20 purpose.

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