

By: Duncan

S.B. No. 600

A BILL TO BE ENTITLED

AN ACT

1
2 relating to compensation paid to statutory county court judges and
3 certain court-related fees.

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

5 SECTION 1. Subsections (a) and (b), Section 25.0005,
6 Government Code, are amended to read as follows:

7 (a) A statutory county court judge, other than a statutory
8 county court judge who engages in the private practice of law [~~or a~~
9 ~~judge in whose court fees and costs under Sections 51.702(a) and (b)~~
10 ~~are not collected~~], shall be paid a total annual salary set by the
11 commissioners court at an amount that is not less than [~~at least~~
12 ~~equal to the amount that is~~] \$1,000 less than the total annual
13 salary received by a district judge in the county [~~on August 31,~~
14 ~~1999~~]. A district judge's or statutory county court judge's total
15 annual salary includes contributions and supplements, paid by the
16 state or a county, other than contributions received as
17 compensation under Section 74.051.

18 (b) Subject to any salary requirements otherwise imposed by
19 this chapter for a particular court or county, the commissioners
20 court sets the salary of each statutory county court judge who
21 engages in the private practice of law [~~or in whose court fees and~~
22 ~~costs under Sections 51.702(a) and (b) are not collected~~].

23 SECTION 2. Subsection (a), Section 25.0015, Government
24 Code, is amended to read as follows:

1 (a) Beginning on the first day of the state fiscal year, the
2 state shall annually compensate each county [~~that collects the~~
3 ~~additional fees and costs under Sections 51.702(a) and (b)] in an
4 amount equal to 60 percent of the state salary of a district court
5 judge in the county [~~\$35,000~~] for each statutory county court judge
6 in the county who:~~

7 (1) does not engage in the private practice of law; and

8 (2) presides over a court with at least the
9 jurisdiction provided by Section 25.0003[~~, and~~

10 [~~(3) except as provided by Section 25.0005(d), is not~~
11 ~~excluded from the application of Section 25.0003 or Section~~
12 ~~25.0005]~~.

13 SECTION 3. Subsection (a), Section 133.105, Local
14 Government Code, is amended to read as follows:

15 (a) A person convicted of any offense, other than an offense
16 relating to a pedestrian or the parking of a motor vehicle, shall
17 pay as a court cost, in addition to all other costs, a fee of \$6 [~~\$4~~]
18 to be used for court-related purposes for the support of the
19 judiciary.

20 SECTION 4. Subsection (a), Section 133.154, Local
21 Government Code, is amended to read as follows:

22 (a) In addition to other fees authorized or required by law,
23 the clerk of a district court, statutory county court, or county
24 court shall collect a fee of \$42 [~~\$37~~] on the filing of any civil
25 suit to be used for court-related purposes for the support of the
26 judiciary.

27 SECTION 5. Subsection (f), Section 25.0292, Government

1 Code, is amended to read as follows:

2 (f) The Commissioners Court of Burnet County shall set the
3 salary of each judge of a county court at law who engages in the
4 private practice of law [~~or in whose court fees and costs under~~
5 ~~Sections 51.702(a) and (b) are not collected~~].

6 SECTION 6. The heading to Section 51.702, Government Code,
7 is amended to read as follows:

8 Sec. 51.702. ADDITIONAL FEES AND COSTS IN [CERTAIN]
9 STATUTORY COUNTY COURTS.

10 SECTION 7. Subsection (a), Section 51.702, Government Code,
11 is amended to read as follows:

12 (a) The [~~Except as provided by Subsection (g), in addition~~
13 ~~to all other fees authorized or required by other law, the~~] clerk of
14 a statutory county court shall collect a \$40 filing fee in each
15 civil case filed in the court to be used for court-related purposes
16 for the support of the judiciary.

17 SECTION 8. Section 101.062, Government Code, is amended to
18 read as follows:

19 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
20 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
21 collect on the filing of a civil suit an additional filing fee of
22 \$42 [~~\$37~~] under Section 133.154, Local Government Code, to be used
23 for court-related purposes for the support of the judiciary.

24 SECTION 9. Section 101.081, Government Code, is amended to
25 read as follows:

26 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
27 clerk of a statutory county court shall collect fees and costs as

1 follows:

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

6 (2) appellate judicial system filing fees:

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

9 (B) Second Court of Appeals District (Sec.
10 22.2031, Government Code) . . . not more than \$5;

11 (C) Fourth Court of Appeals District (Sec.
12 22.2051, Government Code) . . . not more than \$5;

13 (D) Fifth Court of Appeals District (Sec.
14 22.2061, Government Code) . . . not more than \$5; and

15 (E) Thirteenth Court of Appeals District (Sec.
16 22.2141, Government Code) . . . not more than \$5;

17 (3) an official court reporter fee, County Court at
18 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

19 (4) a court reporter fee when testimony is taken in a
20 county court at law in McLennan County (Sec. 25.1572, Government
21 Code) . . . \$3;

22 (5) a stenographer fee, if a record or part of a record
23 is made:

24 (A) in a county court at law in Hidalgo County
25 (Sec. 25.1102, Government Code) . . . \$20; and

26 (B) in a county court at law in Nolan County (Sec.
27 25.1792, Government Code) . . . \$25;

- 1 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;
- 2 (7) an additional filing fee:
- 3 (A) for each civil case filed to be used for
- 4 court-related purposes for the support of the judiciary[~~, if~~
- 5 ~~authorized by the county commissioners court~~] (Sec. 51.702,
- 6 Government Code) . . . \$40;
- 7 (B) to fund the improvement of Dallas County
- 8 civil court facilities, if authorized by the county commissioners
- 9 court (Sec. 51.705, Government Code) . . . not more than \$15; and
- 10 (C) for filing any civil action or proceeding
- 11 requiring a filing fee, including an appeal, and on the filing of
- 12 any counterclaim, cross-action, intervention, interpleader, or
- 13 third-party action requiring a filing fee, to fund civil legal
- 14 services for the indigent (Sec. 133.153, Local Government Code)
- 15 . . . \$5;
- 16 (8) for filing an application for registration of
- 17 death (Sec. 193.007, Health and Safety Code) . . . \$1;
- 18 (9) fee for judge's services on an application for
- 19 court-ordered mental health services (Sec. 574.031, Health and
- 20 Safety Code) . . . not to exceed \$50;
- 21 (10) fee for prosecutor's services on an application
- 22 for court-ordered mental health services (Sec. 574.031, Health and
- 23 Safety Code) . . . not to exceed \$50;
- 24 (11) for filing a suit in Comal County (Sec. 152.0522,
- 25 Human Resources Code) . . . \$4;
- 26 (12) additional filing fee to fund contingency fund
- 27 for liability insurance, if authorized by the county commissioners

1 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

2 (13) civil court actions (Sec. 118.052, Local
3 Government Code):

4 (A) filing of original action (Secs. 118.052 and
5 118.053, Local Government Code):

6 (i) garnishment after judgment (Sec.
7 118.052, Local Government Code) . . . \$15; and

8 (ii) all others (Sec. 118.052, Local
9 Government Code) . . . \$40;

10 (B) filing of action other than original (Secs.
11 118.052 and 118.054, Local Government Code) . . . \$30; and

12 (C) services rendered after judgment in original
13 action (Secs. 118.052 and 118.0545, Local Government Code):

14 (i) abstract of judgment (Sec. 118.052,
15 Local Government Code) . . . \$5; and

16 (ii) execution, order of sale, writ, or
17 other process (Sec. 118.052, Local Government Code) . . . \$5;

18 (14) probate court actions (Sec. 118.052, Local
19 Government Code):

20 (A) probate original action (Secs. 118.052 and
21 118.055, Local Government Code):

22 (i) probate of a will with independent
23 executor, administration with will attached, administration of an
24 estate, guardianship or receivership of an estate, or muniment of
25 title (Sec. 118.052, Local Government Code) . . . \$40;

26 (ii) community survivors (Sec. 118.052,
27 Local Government Code) . . . \$40;

1 (iii) small estates (Sec. 118.052, Local
2 Government Code) . . . \$40;

3 (iv) declarations of heirship (Sec.
4 118.052, Local Government Code) . . . \$40;

5 (v) mental health or chemical dependency
6 services (Sec. 118.052, Local Government Code) . . . \$40; and

7 (vi) additional, special fee (Secs. 118.052
8 and 118.064, Local Government Code) . . . \$5;

9 (B) services in pending probate action (Secs.
10 118.052 and 118.056, Local Government Code):

11 (i) filing an inventory and appraisalment
12 after the 120th day after the date of the initial filing of the
13 action (Sec. 118.052, Local Government Code) . . . \$25;

14 (ii) approving and recording bond (Sec.
15 118.052, Local Government Code) . . . \$3;

16 (iii) administering oath (Sec. 118.052,
17 Local Government Code) . . . \$2;

18 (iv) filing annual or final account of
19 estate (Sec. 118.052, Local Government Code) . . . \$25;

20 (v) filing application for sale of real or
21 personal property (Sec. 118.052, Local Government Code). . . \$25;

22 (vi) filing annual or final report of
23 guardian of a person (Sec. 118.052, Local Government Code) . . .
24 \$10; and

25 (vii) filing a document not listed under
26 this paragraph after the filing of an order approving the inventory
27 and appraisalment or after the 120th day after the date of the

1 initial filing of the action, whichever occurs first (Secs. 118.052
2 and 191.007, Local Government Code), if more than 25 pages . . .
3 \$25;

4 (C) adverse probate action (Secs. 118.052 and
5 118.057, Local Government Code) . . . \$40; and

6 (D) claim against estate (Secs. 118.052 and
7 118.058, Local Government Code) . . . \$2;

8 (15) other fees (Sec. 118.052, Local Government Code):

9 (A) issuing document (Secs. 118.052 and 118.059,
10 Local Government Code):

11 (i) original document and one copy (Sec.
12 118.052, Local Government Code) . . . \$4; and

13 (ii) each additional set of an original and
14 one copy (Sec. 118.052, Local Government Code) . . . \$4;

15 (B) certified papers (Secs. 118.052 and 118.060,
16 Local Government Code):

17 (i) for the clerk's certificate (Sec.
18 118.052, Local Government Code) . . . \$5; and

19 (ii) a fee per page or part of a page (Sec.
20 118.052, Local Government Code) . . . \$1;

21 (C) noncertified papers, for each page or part of
22 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
23 \$1;

24 (D) letters testamentary, letter of
25 guardianship, letter of administration, or abstract of judgment
26 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

27 (E) safekeeping of wills (Secs. 118.052 and

1 118.062, Local Government Code) . . . \$5;

2 (F) mail service of process (Secs. 118.052 and
3 118.063, Local Government Code) . . . same as sheriff; and

4 (G) records management and preservation fee
5 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
6 . . . \$5;

7 (16) additional filing fee to fund the courthouse
8 security fund, if authorized by the county commissioners court
9 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

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

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

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

22 (20) fee for deposit of a will with the county clerk
23 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

24 (21) court cost for each special commissioner in an
25 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
26 taxed by the court, \$10 or more;

27 (22) fee for county attorney in a suit regarding a

1 railroad company's failure to keep roadbed and right-of-way in
2 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
3 \$10;

4 (23) court fees and costs, if ordered by the court, for
5 a suit filed by an inmate in which an affidavit or unsworn
6 declaration of inability to pay costs is filed by the inmate (Sec.
7 14.006, Civil Practice and Remedies Code) . . . the lesser of:

8 (A) 20 percent of the preceding six months'
9 deposits to the inmate's trust account administered by the Texas
10 Department of Criminal Justice under Section 501.014, Government
11 Code; or

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

13 (24) monthly payment for remaining court fees and
14 costs after the initial payment for a suit in which an affidavit or
15 unsworn declaration of inability to pay costs is filed by the inmate
16 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser
17 of:

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

21 (B) the total amount of court fees and costs that
22 remain unpaid;

23 (25) the following costs not otherwise charged to the
24 inmate under Section 14.006, Civil Practice and Remedies Code, if
25 the inmate has previously filed an action dismissed as malicious or
26 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

27 (A) expenses of service of process;

1 (B) postage; and

2 (C) transportation, housing, or medical care
3 incurred in connection with the appearance of the inmate in the
4 court for any proceeding;

5 (26) the official court reporter's fee taxed as costs
6 in civil actions in a statutory county court:

7 (A) in Bexar County Courts at Law:

8 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
9 (Sec. 25.0172, Government Code) . . . taxed in the same manner as
10 the fee is taxed in district court; and

11 (ii) No. 2 (Sec. 25.0172, Government Code)
12 . . . \$3;

13 (B) in Galveston County (Sec. 25.0862,
14 Government Code) . . . taxed in the same manner as the fee is taxed
15 in civil cases in the district courts; and

16 (C) in Parker County (Sec. 25.1862, Government
17 Code) . . . taxed in the same manner as the fee is taxed in civil
18 cases in the district courts;

19 (27) a stenographer's fee as costs in each civil,
20 criminal, and probate case in which a record is made by the official
21 court reporter in a statutory county court in Nolan County (Sec.
22 25.1792, Government Code) . . . \$25;

23 (28) in Brazoria County, in matters of concurrent
24 jurisdiction with the district court, fees (Sec. 25.0222,
25 Government Code) . . . as prescribed by law for district judges
26 according to the nature of the matter;

27 (29) in Nueces County, in matters of concurrent

1 jurisdiction with the district court, with certain exceptions, fees
2 (Sec. 25.1802, Government Code) . . . equal to those in district
3 court cases;

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

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

14 (32) for a hearing or proceeding under the Texas
15 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
16 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
17 reasonable compensation to the following persons appointed under
18 the Texas Mental Health Code:

- 19 (A) attorneys;
- 20 (B) physicians;
- 21 (C) language interpreters;
- 22 (D) sign interpreters; and
- 23 (E) masters;

24 (33) for a hearing or proceeding under the Texas
25 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
26 costs (Sec. 571.018, Health and Safety Code):

- 27 (A) attorney's fees;

1 (B) physician examination fees;

2 (C) expense of transportation to a mental health
3 facility or to a federal agency not to exceed \$50 if transporting
4 within the same county and not to exceed the reasonable cost of
5 transportation if transporting between counties;

6 (D) costs and salary supplements authorized
7 under Section 574.031, Health and Safety Code; and

8 (E) prosecutors' fees authorized under Section
9 574.031, Health and Safety Code;

10 (34) expenses of transporting certain patients from
11 the county of treatment to a hearing in the county in which the
12 proceedings originated (Sec. 574.008, Health and Safety Code) . . .
13 actual expenses unless certain arrangements are made to hold the
14 hearing in the county in which the patient is receiving services;

15 (35) expenses for expert witness testimony for an
16 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
17 authorized by the court as reimbursement to the attorney ad litem,
18 court-approved expenses;

19 (36) fee for judge's services for holding a hearing on
20 an application for court-ordered mental health services (Sec.
21 574.031, Health and Safety Code) . . . as assessed by the judge, not
22 to exceed \$50;

23 (37) expenses to reimburse judge for holding a hearing
24 in a hospital or location other than the county courthouse (Sec.
25 574.031, Health and Safety Code) . . . reasonable and necessary
26 expenses as certified;

27 (38) fee for services of a prosecuting attorney,

1 including costs incurred for preparation of documents related to a
2 hearing on an application for court-ordered mental health services
3 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
4 judge, not to exceed \$50; and

5 (39) a fee not otherwise listed in this section that is
6 required to be collected under Section 25.0008, Government Code
7 (Sec. 25.0008, Government Code), in a county other than Brazos,
8 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,
9 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as
10 prescribed by law relating to county judges' fees.

11 SECTION 10. Section 101.083, Government Code, is amended to
12 read as follows:

13 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
14 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
15 county court shall collect on the filing of a civil suit an
16 additional filing fee of \$42 [~~\$37~~] under Section 133.154, Local
17 Government Code, to be used for court-related purposes for the
18 support of the judiciary.

19 SECTION 11. Section 101.123, Government Code, is amended to
20 read as follows:

21 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
22 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on
23 the filing of a civil suit an additional filing fee of \$42 [~~\$37~~]
24 under Section 133.154, Local Government Code, to be used for
25 court-related purposes for the support of the judiciary.

26 SECTION 12. Section 102.022, Government Code, is amended to
27 read as follows:

1 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
2 JUDICIARY. A person convicted of any offense, other than an offense
3 relating to a pedestrian or the parking of a motor vehicle, shall
4 pay a cost on conviction of \$6 [~~\$4~~] under Section 133.105, Local
5 Government Code.

6 SECTION 13. The following provisions of the Government Code
7 are repealed:

- 8 (1) Subsections (e), (f), and (g), Section 25.0005;
- 9 (2) Subsections (b) and (c), Section 25.0015;
- 10 (3) Section 25.0016;
- 11 (4) Subsection (e), Section 25.0362; and
- 12 (5) Subsections (f) through (m), Section 51.702.

13 SECTION 14. The imposition of a cost of court under Section
14 133.105, Local Government Code, as amended by this Act, applies
15 only to an offense committed on or after the effective date of this
16 Act. An offense committed before the effective date of this Act is
17 covered by the law in effect when the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 this Act if any element of the offense was committed before that
21 date.

22 SECTION 15. This Act takes effect October 1, 2007.