

1-1 By: Duncan S.B. No. 600
1-2 (In the Senate - Filed February 13, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 19, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 19, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 600 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to compensation paid to statutory county court judges and
1-11 certain court-related fees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (a) and (b), Section 25.0005,
1-14 Government Code, are amended to read as follows:

1-15 (a) A statutory county court judge, other than a statutory
1-16 county court judge who engages in the private practice of law [~~or a~~
1-17 ~~judge in whose court fees and costs under Sections 51.702(a) and (b)~~
1-18 ~~are not collected~~], shall be paid a total annual salary set by the
1-19 commissioners court at an amount that is not less than [~~at least~~
1-20 ~~equal to the amount that is~~] \$1,000 less than the total annual
1-21 salary received by a district judge in the county [~~on August 31,~~
1-22 ~~1999~~]. A district judge's or statutory county court judge's total
1-23 annual salary includes contributions and supplements, paid by the
1-24 state or a county, other than contributions received as
1-25 compensation under Section 74.051.

1-26 (b) Subject to any salary requirements otherwise imposed by
1-27 this chapter for a particular court or county, the commissioners
1-28 court sets the salary of each statutory county court judge who
1-29 engages in the private practice of law [~~or in whose court fees and~~
1-30 ~~costs under Sections 51.702(a) and (b) are not collected~~].

1-31 SECTION 2. Subsection (a), Section 25.0015, Government
1-32 Code, is amended to read as follows:

1-33 (a) Beginning on the first day of the state fiscal year, the
1-34 state shall annually compensate each county [~~that collects the~~
1-35 ~~additional fees and costs under Sections 51.702(a) and (b)] in an
1-36 amount equal to 60 percent of the state salary of a district court
1-37 judge in the county [~~\$35,000~~] for each statutory county court judge
1-38 in the county who:~~

1-39 (1) does not engage in the private practice of law; and

1-40 (2) presides over a court with at least the
1-41 jurisdiction provided by Section 25.0003[~~, and~~

1-42 [~~(3) except as provided by Section 25.0005(d), is not~~
1-43 ~~excluded from the application of Section 25.0003 or Section~~
1-44 ~~25.0005~~].

1-45 SECTION 3. Subsection (a), Section 133.105, Local
1-46 Government Code, is amended to read as follows:

1-47 (a) A person convicted of any offense, other than an offense
1-48 relating to a pedestrian or the parking of a motor vehicle, shall
1-49 pay as a court cost, in addition to all other costs, a fee of \$6 [~~\$4~~]
1-50 to be used for court-related purposes for the support of the
1-51 judiciary.

1-52 SECTION 4. Subsection (a), Section 133.154, Local
1-53 Government Code, is amended to read as follows:

1-54 (a) In addition to other fees authorized or required by law,
1-55 the clerk of a district court, statutory county court, or county
1-56 court shall collect a fee of \$42 [~~\$37~~] on the filing of any civil
1-57 suit to be used for court-related purposes for the support of the
1-58 judiciary.

1-59 SECTION 5. Subsection (f), Section 25.0292, Government
1-60 Code, is amended to read as follows:

1-61 (f) The Commissioners Court of Burnet County shall set the
1-62 salary of each judge of a county court at law who engages in the
1-63 private practice of law [~~or in whose court fees and costs under~~

2-1 ~~Sections 51.702(a) and (b) are not collected].~~

2-2 SECTION 6. The heading to Section 51.702, Government Code,
2-3 is amended to read as follows:

2-4 Sec. 51.702. ADDITIONAL FEES AND COSTS IN [CERTAIN]
2-5 STATUTORY COUNTY COURTS.

2-6 SECTION 7. Subsection (a), Section 51.702, Government Code,
2-7 is amended to read as follows:

2-8 (a) ~~The [Except as provided by Subsection (g), in addition~~
2-9 ~~to all other fees authorized or required by other law, the]~~ clerk of
2-10 a statutory county court shall collect a \$40 filing fee in each
2-11 civil case filed in the court to be used for court-related purposes
2-12 for the support of the judiciary.

2-13 SECTION 8. Section 101.062, Government Code, is amended to
2-14 read as follows:

2-15 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
2-16 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
2-17 collect on the filing of a civil suit an additional filing fee of
2-18 \$42 [~~\$37~~] under Section 133.154, Local Government Code, to be used
2-19 for court-related purposes for the support of the judiciary.

2-20 SECTION 9. Section 101.081, Government Code, is amended to
2-21 read as follows:

2-22 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
2-23 clerk of a statutory county court shall collect fees and costs as
2-24 follows:

2-25 (1) court cost in certain civil cases to establish and
2-26 maintain an alternative dispute resolution system, if authorized by
2-27 the county commissioners court (Sec. 152.004, Civil Practice and
2-28 Remedies Code) . . . not to exceed \$10;

2-29 (2) appellate judicial system filing fees:

2-30 (A) First or Fourteenth Court of Appeals District
2-31 (Sec. 22.2021, Government Code) . . . not more than \$5;

2-32 (B) Second Court of Appeals District (Sec.
2-33 22.2031, Government Code) . . . not more than \$5;

2-34 (C) Fourth Court of Appeals District (Sec.
2-35 22.2051, Government Code) . . . not more than \$5;

2-36 (D) Fifth Court of Appeals District (Sec.
2-37 22.2061, Government Code) . . . not more than \$5; and

2-38 (E) Thirteenth Court of Appeals District (Sec.
2-39 22.2141, Government Code) . . . not more than \$5;

2-40 (3) an official court reporter fee, County Court at
2-41 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

2-42 (4) a court reporter fee when testimony is taken in a
2-43 county court at law in McLennan County (Sec. 25.1572, Government
2-44 Code) . . . \$3;

2-45 (5) a stenographer fee, if a record or part of a record
2-46 is made:

2-47 (A) in a county court at law in Hidalgo County
2-48 (Sec. 25.1102, Government Code) . . . \$20; and

2-49 (B) in a county court at law in Nolan County (Sec.
2-50 25.1792, Government Code) . . . \$25;

2-51 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

2-52 (7) an additional filing fee:

2-53 (A) for each civil case filed to be used for
2-54 court-related purposes for the support of the judiciary[~~, if~~
2-55 ~~authorized by the county commissioners court]~~ (Sec. 51.702,
2-56 Government Code) . . . \$40;

2-57 (B) to fund the improvement of Dallas County
2-58 civil court facilities, if authorized by the county commissioners
2-59 court (Sec. 51.705, Government Code) . . . not more than \$15; and

2-60 (C) for filing any civil action or proceeding
2-61 requiring a filing fee, including an appeal, and on the filing of
2-62 any counterclaim, cross-action, intervention, interpleader, or
2-63 third-party action requiring a filing fee, to fund civil legal
2-64 services for the indigent (Sec. 133.153, Local Government Code)
2-65 . . . \$5;

2-66 (8) for filing an application for registration of
2-67 death (Sec. 193.007, Health and Safety Code) . . . \$1;

2-68 (9) fee for judge's services on an application for
2-69 court-ordered mental health services (Sec. 574.031, Health and

3-1 Safety Code) . . . not to exceed \$50;

3-2 (10) fee for prosecutor's services on an application

3-3 for court-ordered mental health services (Sec. 574.031, Health and

3-4 Safety Code) . . . not to exceed \$50;

3-5 (11) for filing a suit in Comal County (Sec. 152.0522,

3-6 Human Resources Code) . . . \$4;

3-7 (12) additional filing fee to fund contingency fund

3-8 for liability insurance, if authorized by the county commissioners

3-9 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3-10 (13) civil court actions (Sec. 118.052, Local

3-11 Government Code):

3-12 (A) filing of original action (Secs. 118.052 and

3-13 118.053, Local Government Code):

3-14 (i) garnishment after judgment (Sec.

3-15 118.052, Local Government Code) . . . \$15; and

3-16 (ii) all others (Sec. 118.052, Local

3-17 Government Code) . . . \$40;

3-18 (B) filing of action other than original (Secs.

3-19 118.052 and 118.054, Local Government Code) . . . \$30; and

3-20 (C) services rendered after judgment in original

3-21 action (Secs. 118.052 and 118.0545, Local Government Code):

3-22 (i) abstract of judgment (Sec. 118.052,

3-23 Local Government Code) . . . \$5; and

3-24 (ii) execution, order of sale, writ, or

3-25 other process (Sec. 118.052, Local Government Code) . . . \$5;

3-26 (14) probate court actions (Sec. 118.052, Local

3-27 Government Code):

3-28 (A) probate original action (Secs. 118.052 and

3-29 118.055, Local Government Code):

3-30 (i) probate of a will with independent

3-31 executor, administration with will attached, administration of an

3-32 estate, guardianship or receivership of an estate, or muniment of

3-33 title (Sec. 118.052, Local Government Code) . . . \$40;

3-34 (ii) community survivors (Sec. 118.052,

3-35 Local Government Code) . . . \$40;

3-36 (iii) small estates (Sec. 118.052, Local

3-37 Government Code) . . . \$40;

3-38 (iv) declarations of heirship (Sec.

3-39 118.052, Local Government Code) . . . \$40;

3-40 (v) mental health or chemical dependency

3-41 services (Sec. 118.052, Local Government Code) . . . \$40; and

3-42 (vi) additional, special fee (Secs. 118.052

3-43 and 118.064, Local Government Code) . . . \$5;

3-44 (B) services in pending probate action (Secs.

3-45 118.052 and 118.056, Local Government Code):

3-46 (i) filing an inventory and appraisement

3-47 after the 120th day after the date of the initial filing of the

3-48 action (Sec. 118.052, Local Government Code) . . . \$25;

3-49 (ii) approving and recording bond (Sec.

3-50 118.052, Local Government Code) . . . \$3;

3-51 (iii) administering oath (Sec. 118.052,

3-52 Local Government Code) . . . \$2;

3-53 (iv) filing annual or final account of

3-54 estate (Sec. 118.052, Local Government Code) . . . \$25;

3-55 (v) filing application for sale of real or

3-56 personal property (Sec. 118.052, Local Government Code) . . . \$25;

3-57 (vi) filing annual or final report of

3-58 guardian of a person (Sec. 118.052, Local Government Code) . . .

3-59 \$10; and

3-60 (vii) filing a document not listed under

3-61 this paragraph after the filing of an order approving the inventory

3-62 and appraisement or after the 120th day after the date of the

3-63 initial filing of the action, whichever occurs first (Secs. 118.052

3-64 and 191.007, Local Government Code), if more than 25 pages . . .

3-65 \$25;

3-66 (C) adverse probate action (Secs. 118.052 and

3-67 118.057, Local Government Code) . . . \$40; and

3-68 (D) claim against estate (Secs. 118.052 and

3-69 118.058, Local Government Code) . . . \$2;

- 4-1 (15) other fees (Sec. 118.052, Local Government Code):
- 4-2 (A) issuing document (Secs. 118.052 and 118.059,
- 4-3 Local Government Code):
- 4-4 (i) original document and one copy (Sec.
- 4-5 118.052, Local Government Code) . . . \$4; and
- 4-6 (ii) each additional set of an original and
- 4-7 one copy (Sec. 118.052, Local Government Code) . . . \$4;
- 4-8 (B) certified papers (Secs. 118.052 and 118.060,
- 4-9 Local Government Code):
- 4-10 (i) for the clerk's certificate (Sec.
- 4-11 118.052, Local Government Code) . . . \$5; and
- 4-12 (ii) a fee per page or part of a page (Sec.
- 4-13 118.052, Local Government Code) . . . \$1;
- 4-14 (C) noncertified papers, for each page or part of
- 4-15 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
- 4-16 \$1;
- 4-17 (D) letters testamentary, letter of
- 4-18 guardianship, letter of administration, or abstract of judgment
- 4-19 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 4-20 (E) safekeeping of wills (Secs. 118.052 and
- 4-21 118.062, Local Government Code) . . . \$5;
- 4-22 (F) mail service of process (Secs. 118.052 and
- 4-23 118.063, Local Government Code) . . . same as sheriff; and
- 4-24 (G) records management and preservation fee
- 4-25 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
- 4-26 . . . \$5;
- 4-27 (16) additional filing fee to fund the courthouse
- 4-28 security fund, if authorized by the county commissioners court
- 4-29 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
- 4-30 (17) additional filing fee for filing documents not
- 4-31 subject to certain filing fees to fund the courthouse security
- 4-32 fund, if authorized by the county commissioners court (Sec.
- 4-33 291.008, Local Government Code) . . . \$1;
- 4-34 (18) additional filing fee to fund the courthouse
- 4-35 security fund in Webb County, if authorized by the county
- 4-36 commissioners court (Sec. 291.009, Local Government Code) . . . not
- 4-37 to exceed \$20;
- 4-38 (19) court cost in civil cases other than suits for
- 4-39 delinquent taxes to fund the county law library fund, if authorized
- 4-40 by the county commissioners court (Sec. 323.023, Local Government
- 4-41 Code) . . . not to exceed \$35;
- 4-42 (20) fee for deposit of a will with the county clerk
- 4-43 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;
- 4-44 (21) court cost for each special commissioner in an
- 4-45 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
- 4-46 taxed by the court, \$10 or more;
- 4-47 (22) fee for county attorney in a suit regarding a
- 4-48 railroad company's failure to keep roadbed and right-of-way in
- 4-49 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
- 4-50 \$10;
- 4-51 (23) court fees and costs, if ordered by the court, for
- 4-52 a suit filed by an inmate in which an affidavit or unsworn
- 4-53 declaration of inability to pay costs is filed by the inmate (Sec.
- 4-54 14.006, Civil Practice and Remedies Code) . . . the lesser of:
- 4-55 (A) 20 percent of the preceding six months'
- 4-56 deposits to the inmate's trust account administered by the Texas
- 4-57 Department of Criminal Justice under Section 501.014, Government
- 4-58 Code; or
- 4-59 (B) the total amount of court fees and costs;
- 4-60 (24) monthly payment for remaining court fees and
- 4-61 costs after the initial payment for a suit in which an affidavit or
- 4-62 unsworn declaration of inability to pay costs is filed by the inmate
- 4-63 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser
- 4-64 of:
- 4-65 (A) 10 percent of that month's deposit to the
- 4-66 inmate's trust account administered by the Texas Department of
- 4-67 Criminal Justice under Section 501.014, Government Code; or
- 4-68 (B) the total amount of court fees and costs that
- 4-69 remain unpaid;

- 5-1 (25) the following costs not otherwise charged to the
5-2 inmate under Section 14.006, Civil Practice and Remedies Code, if
5-3 the inmate has previously filed an action dismissed as malicious or
5-4 frivolous (Sec. 14.007, Civil Practice and Remedies Code):
5-5 (A) expenses of service of process;
5-6 (B) postage; and
5-7 (C) transportation, housing, or medical care
5-8 incurred in connection with the appearance of the inmate in the
5-9 court for any proceeding;
- 5-10 (26) the official court reporter's fee taxed as costs
5-11 in civil actions in a statutory county court:
5-12 (A) in Bexar County Courts at Law:
5-13 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
5-14 (Sec. 25.0172, Government Code) . . . taxed in the same manner as
5-15 the fee is taxed in district court; and
5-16 (ii) No. 2 (Sec. 25.0172, Government Code)
5-17 . . . \$3;
5-18 (B) in Galveston County (Sec. 25.0862,
5-19 Government Code) . . . taxed in the same manner as the fee is taxed
5-20 in civil cases in the district courts; and
5-21 (C) in Parker County (Sec. 25.1862, Government
5-22 Code) . . . taxed in the same manner as the fee is taxed in civil
5-23 cases in the district courts;
- 5-24 (27) a stenographer's fee as costs in each civil,
5-25 criminal, and probate case in which a record is made by the official
5-26 court reporter in a statutory county court in Nolan County (Sec.
5-27 25.1792, Government Code) . . . \$25;
- 5-28 (28) in Brazoria County, in matters of concurrent
5-29 jurisdiction with the district court, fees (Sec. 25.0222,
5-30 Government Code) . . . as prescribed by law for district judges
5-31 according to the nature of the matter;
- 5-32 (29) in Nueces County, in matters of concurrent
5-33 jurisdiction with the district court, with certain exceptions, fees
5-34 (Sec. 25.1802, Government Code) . . . equal to those in district
5-35 court cases;
- 5-36 (30) security deposit on filing, by any person other
5-37 than the personal representative of an estate, an application,
5-38 complaint, or opposition in relation to the estate, if required by
5-39 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
5-40 proceeding;
- 5-41 (31) security deposit on filing, by any person other
5-42 than the guardian, attorney ad litem, or guardian ad litem, an
5-43 application, complaint, or opposition in relation to a guardianship
5-44 matter, if required by the clerk (Sec. 622, Texas Probate Code)
5-45 . . . probable cost of the guardianship proceeding;
- 5-46 (32) for a hearing or proceeding under the Texas
5-47 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
5-48 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
5-49 reasonable compensation to the following persons appointed under
5-50 the Texas Mental Health Code:
5-51 (A) attorneys;
5-52 (B) physicians;
5-53 (C) language interpreters;
5-54 (D) sign interpreters; and
5-55 (E) masters;
- 5-56 (33) for a hearing or proceeding under the Texas
5-57 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
5-58 costs (Sec. 571.018, Health and Safety Code):
5-59 (A) attorney's fees;
5-60 (B) physician examination fees;
5-61 (C) expense of transportation to a mental health
5-62 facility or to a federal agency not to exceed \$50 if transporting
5-63 within the same county and not to exceed the reasonable cost of
5-64 transportation if transporting between counties;
5-65 (D) costs and salary supplements authorized
5-66 under Section 574.031, Health and Safety Code; and
5-67 (E) prosecutors' fees authorized under Section
5-68 574.031, Health and Safety Code;
- 5-69 (34) expenses of transporting certain patients from

6-1 the county of treatment to a hearing in the county in which the
6-2 proceedings originated (Sec. 574.008, Health and Safety Code) . . .
6-3 actual expenses unless certain arrangements are made to hold the
6-4 hearing in the county in which the patient is receiving services;

6-5 (35) expenses for expert witness testimony for an
6-6 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
6-7 authorized by the court as reimbursement to the attorney ad litem,
6-8 court-approved expenses;

6-9 (36) fee for judge's services for holding a hearing on
6-10 an application for court-ordered mental health services (Sec.
6-11 574.031, Health and Safety Code) . . . as assessed by the judge, not
6-12 to exceed \$50;

6-13 (37) expenses to reimburse judge for holding a hearing
6-14 in a hospital or location other than the county courthouse (Sec.
6-15 574.031, Health and Safety Code) . . . reasonable and necessary
6-16 expenses as certified;

6-17 (38) fee for services of a prosecuting attorney,
6-18 including costs incurred for preparation of documents related to a
6-19 hearing on an application for court-ordered mental health services
6-20 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
6-21 judge, not to exceed \$50; and

6-22 (39) a fee not otherwise listed in this section that is
6-23 required to be collected under Section 25.0008, Government Code
6-24 (Sec. 25.0008, Government Code), in a county other than Brazos,
6-25 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,
6-26 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as
6-27 prescribed by law relating to county judges' fees.

6-28 SECTION 10. Section 101.083, Government Code, is amended to
6-29 read as follows:

6-30 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
6-31 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
6-32 county court shall collect on the filing of a civil suit an
6-33 additional filing fee of \$42 [~~\$37~~] under Section 133.154, Local
6-34 Government Code, to be used for court-related purposes for the
6-35 support of the judiciary.

6-36 SECTION 11. Section 101.123, Government Code, is amended to
6-37 read as follows:

6-38 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
6-39 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on
6-40 the filing of a civil suit an additional filing fee of \$42 [~~\$37~~]
6-41 under Section 133.154, Local Government Code, to be used for
6-42 court-related purposes for the support of the judiciary.

6-43 SECTION 12. Section 102.022, Government Code, is amended to
6-44 read as follows:

6-45 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
6-46 JUDICIARY. A person convicted of any offense, other than an offense
6-47 relating to a pedestrian or the parking of a motor vehicle, shall
6-48 pay a cost on conviction of \$6 [~~\$4~~] under Section 133.105, Local
6-49 Government Code.

6-50 SECTION 13. The following provisions of the Government Code
6-51 are repealed:

- 6-52 (1) Subsections (e), (f), and (g), Section 25.0005;
- 6-53 (2) Subsections (b) and (c), Section 25.0015;
- 6-54 (3) Section 25.0016;
- 6-55 (4) Subsection (e), Section 25.0362; and
- 6-56 (5) Subsections (f) through (m), Section 51.702.

6-57 SECTION 14. The imposition of a cost of court under Section
6-58 133.105, Local Government Code, as amended by this Act, applies
6-59 only to an offense committed on or after the effective date of this
6-60 Act. An offense committed before the effective date of this Act is
6-61 covered by the law in effect when the offense was committed, and the
6-62 former law is continued in effect for that purpose. For purposes of
6-63 this section, an offense was committed before the effective date of
6-64 this Act if any element of the offense was committed before that
6-65 date.

6-66 SECTION 15. This Act takes effect October 1, 2007.

6-67 * * * * *