

1-1 By: Hinojosa S.B. No. 844
1-2 (In the Senate - Filed February 23, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 29, 2007, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 29, 2007, sent to printer.)

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

1-8 relating to longevity pay for assistant prosecutors.

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

1-10 SECTION 1. Subdivision (1), Section 41.251, Government
1-11 Code, is amended to read as follows:

1-12 (1) "Assistant prosecutor" means an assistant
1-13 district attorney, an assistant criminal district attorney, or an
1-14 assistant county attorney [~~to a county attorney compensated by the~~
1-15 ~~state to perform the duties of a district attorney~~].

1-16 SECTION 2. The heading to Section 41.258, Government Code,
1-17 is amended to read as follows:

1-18 Sec. 41.258. ASSISTANT [~~FELONY~~] PROSECUTOR SUPPLEMENT FUND
1-19 AND FAIR DEFENSE ACCOUNT.

1-20 SECTION 3. Subsections (a), (i), and (j), Section 41.258,
1-21 Government Code, are amended to read as follows:

1-22 (a) The assistant [~~felony~~] prosecutor supplement fund is
1-23 created in the state treasury.

1-24 (i) The comptroller shall deposit two-thirds of the funds
1-25 received under this section in the assistant [~~felony~~] prosecutor
1-26 supplement fund and one-third of the funds received under this
1-27 section to the fair defense account. A county may not reduce the
1-28 amount of funds provided for indigent defense services in the
1-29 county because of funds provided under this subsection.

1-30 (j) The comptroller shall pay supplements from the
1-31 assistant [~~felony~~] prosecutor supplement fund as provided by this
1-32 subchapter. At the end of each fiscal year, any unexpended balance
1-33 in the fund in excess of \$1.5 million may be transferred to the
1-34 general revenue fund.

1-35 SECTION 4. Section 103.022, Government Code, is amended to
1-36 read as follows:

1-37 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following
1-38 fees and costs shall be paid or collected as follows:

1-39 (1) fee for use of an interpreter in civil cases (Sec.
1-40 21.051, Civil Practice and Remedies Code) . . . \$3;

1-41 (2) fee for custodian of a record compelled by a court
1-42 to produce or certify the record (Sec. 22.004, Civil Practice and
1-43 Remedies Code) . . . \$1;

1-44 (3) cost for use of certified copy of the record of
1-45 names of all trustees appointed by any state organization of a
1-46 religious congregation in this state (Sec. 126.012, Civil Practice
1-47 and Remedies Code) . . . \$1.50;

1-48 (4) filing of a restitution lien (Art. 42.22, Code of
1-49 Criminal Procedure) . . . \$5;

1-50 (5) issuance and service of a warrant of arrest for
1-51 certain offenses if prescribed by the municipality (Art. 45.203,
1-52 Code of Criminal Procedure) . . . not to exceed \$25;

1-53 (6) filing a certified copy of a judicial finding of
1-54 fact and conclusion of law if charged by the secretary of state
1-55 (Sec. 51.905, Government Code) . . . \$15;

1-56 (7) costs of determining and sending information
1-57 concerning the identity of the court with continuing, exclusive
1-58 jurisdiction if charged by the bureau of vital statistics (Sec.
1-59 108.006, Family Code) . . . reasonable fee;

1-60 (8) initial operations fee paid to domestic relations
1-61 office on filing of a suit affecting the parent-child relationship,
1-62 if authorized by the administering entity (Sec. 203.005, Family
1-63 Code) . . . not to exceed \$15;

1-64 (9) initial child support service fee paid to domestic

2-1 relations office in certain counties on filing of a suit affecting
2-2 the parent-child relationship, if authorized by the administering
2-3 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;
2-4 (10) service fee for services of a domestic relations
2-5 office, if authorized by the administering entity (Sec. 203.005,
2-6 Family Code) . . . not to exceed \$3 per month;
2-7 (11) fee from a Title IV-D agency for each item of
2-8 process to each individual on whom service is required, including
2-9 service by certified or registered mail (Sec. 231.202, Family Code)
2-10 . . . the amount that a sheriff or constable may charge for serving
2-11 process under Section 118.131, Local Government Code;
2-12 (12) certain transactions with respect to a suit for
2-13 spousal support or a suit affecting the parent-child relationship
2-14 in Harris County, if authorized by the county commissioners court
2-15 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per
2-16 transaction;
2-17 (13) child support service fee in Smith County if
2-18 court allows assessment by child support office (Sec. 152.2183,
2-19 Human Resources Code) . . . not to exceed \$2.50 a month;
2-20 (14) services by the offices of the sheriff and
2-21 constables (Sec. 118.131, Local Government Code) . . . amount set by
2-22 county commissioners court;
2-23 (15) cost paid by each surety posting the bail bond for
2-24 an offense other than a misdemeanor punishable by fine only under
2-25 Chapter 17, Code of Criminal Procedure, for the assistant ~~[felony]~~
2-26 prosecutor supplement fund and the fair defense account (Sec.
2-27 41.258, Government Code) . . . \$15, provided the cost does not
2-28 exceed \$30 for all bail bonds posted at that time for an individual
2-29 and the cost is not required on the posting of a personal or cash
2-30 bond;
2-31 (16) appraiser's fee as court costs for determining
2-32 the fair value of ownership interests of owners who have perfected
2-33 their rights (Sec. 10.365, Business Organizations Code) . . . a
2-34 reasonable fee; ~~[and]~~
2-35 (16-a) an appraiser's fee as court costs for
2-36 determining the fair value of the shares of the shareholders
2-37 entitled to payment for their shares in a real estate investment
2-38 trust (Sec. 25.20, Art. 6138A, Vernon's Texas Civil Statutes) . . .
2-39 a reasonable fee;
2-40 (16-b) an appraiser's fee as court costs for
2-41 determining the fair value of the shares of the shareholders
2-42 entitled to payment for their shares by the existing, surviving, or
2-43 new corporation (Art. 5.12, Texas Business Corporation Act) . . . a
2-44 reasonable fee;
2-45 (17) to participate in a court proceeding in this
2-46 state, a nonresident attorney fee for civil legal services to the
2-47 indigent (Sec. 82.0361, Government Code) . . . \$250 except as waived
2-48 or reduced under supreme court rules for representing an indigent
2-49 person; ~~[+]~~
2-50 (18) costs of investigation, reasonable attorney's
2-51 fees, and reasonable expert witness fees in a civil suit or a
2-52 criminal prosecution for recovery of the value of any fish,
2-53 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks
2-54 and Wildlife Code) . . . actual costs; ~~[+]~~
2-55 (18-a) ~~[(18)]~~ a witness's fee for one day to be paid by
2-56 the party who subpoenas the witness (Sec. 22.001, Civil Practice
2-57 and Remedies Code) . . . \$10;
2-58 (19) on a party's appeal of a final decision in a
2-59 contested case, the cost of preparing the original or a certified
2-60 copy of the record of the agency proceeding, if required by the
2-61 agency's rule, as a court cost (Sec. 2001.177, Government Code)
2-62 . . . as assessed by the court, all or part of the cost of
2-63 preparation;
2-64 (20) the costs of arbitration in cases between a
2-65 juvenile board and a school district that fail to agree on a
2-66 memorandum of understanding related to the juvenile justice
2-67 alternative education program (Sec. 37.011, Education Code) . . .
2-68 each party its pro rata share of the costs;
2-69 (21) compensation to a referee in juvenile court in

3-1 Wichita County taxed as costs if the judge determines the parties
3-2 are able to pay the costs (Sec. 54.403, Government Code) . . . as
3-3 determined by the judge;

3-4 (22) the expense of preserving the record as a court
3-5 cost in Brazos County if imposed on a party by the referring court
3-6 or magistrate (Sec. 54.1111, Government Code) . . . actual cost;

3-7 (23) a filing fee or recording fee for each page of a
3-8 legal paper presented for filing or recording that fails to meet
3-9 certain requirements regarding paper size, weight, substance,
3-10 headings, legibility, the presence of typed or printed names under
3-11 each signature, and number and size of riders or attachments (Sec.
3-12 191.007, Local Government Code) . . . twice the regular filing fee
3-13 or recording fee provided by statute for that page, rider, or
3-14 attachment;

3-15 (24) a processing fee as authorized by the
3-16 commissioners court for the payment by credit card of a fee, court
3-17 cost, or other charge processed by a county or precinct officer
3-18 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
3-19 reasonably related to the expense incurred by the county or
3-20 precinct officer but not to exceed five percent of the amount of the
3-21 fee, court cost, or other charge being paid;

3-22 (25) a processing fee as authorized by the governing
3-23 body of the municipality for the payment by credit card of a fee,
3-24 court cost, or other charge processed by a municipal official
3-25 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
3-26 reasonably related to the expense incurred by the municipal
3-27 official but not to exceed five percent of the amount of the fee,
3-28 court cost, or other charge being paid;

3-29 (26) a handling fee, if authorized by the
3-30 commissioners court under Section 132.002, Local Government Code,
3-31 for electronically processing the payment of a fee, fine, court
3-32 cost, or other charge (Secs. 132.002 and 132.003, Local Government
3-33 Code):

3-34 (A) charged at a flat rate that does not exceed \$5
3-35 for each payment transaction; or

3-36 (B) charged at a rate reasonably related to the
3-37 expense incurred in processing a payment and that does not exceed
3-38 five percent of the amount of the fee, court cost, or other charge
3-39 being paid;

3-40 (27) a fee, if authorized by the commissioners court,
3-41 collected by a county or precinct officer on behalf of the county
3-42 from a person making payment by credit card of a fee, court cost, or
3-43 other charge (Sec. 132.003, Local Government Code) . . . an amount
3-44 equal to the amount of any transaction fee charged to the county by
3-45 a vendor providing services in connection with payments made by
3-46 credit card;

3-47 (28) a fee for sale of securities under an offering
3-48 that has not been registered, if the transaction or securities are
3-49 not exempt (Art. 581-35-2, Vernon's Texas Civil Statutes) . . . as
3-50 set by the securities commissioner or court, but not to exceed six
3-51 times the amount that would have been paid if the issuer had filed
3-52 an application to register the securities and paid the fee
3-53 prescribed based on the amount of sales made in this state within
3-54 the prior three years, plus interest on that amount from the date of
3-55 the first sale made in this state until the date the fee is paid; and

3-56 (29) a fee for mailing an order vacating or staying an
3-57 order suspending a license to the appropriate licensing authority
3-58 (Sec. 232.013, Family Code) . . . \$5 for each order mailed.

3-59 SECTION 5. The changes in law made by this Act apply to
3-60 lifetime service credit accrued by eligible assistant prosecutors
3-61 before, on, and after the effective date of this Act.

3-62 SECTION 6. This Act takes effect September 1, 2007.

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