

By: Hinojosa

S.B. No. 1412

A BILL TO BE ENTITLED

AN ACT

relating to certain fees collected by justice courts and small claims courts.

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

SECTION 1. Subsection (b), Section 101.141, Government Code, is amended to read as follows:

(b) A justice of the peace shall collect the following fees:

(1) services rendered before judgment (Secs. 118.121 and 118.122, Local Government Code):

(A) justice court (Sec. 118.121, Local Government Code) . . . \$25 [~~\$15~~]; and

(B) small claims court (Sec. 118.121, Local Government Code) . . . \$25 [~~\$10~~];

(2) services rendered after judgment (Secs. 118.121 and 118.123, Local Government Code):

(A) transcript (Sec. 118.121, Local Government Code) . . . \$10;

(B) abstract of judgment (Sec. 118.121, Local Government Code) . . . \$5;

(C) execution, order of sale, writ of restitution, or other writ or process (Sec. 118.121, Local Government Code) . . . \$5 per page;

(D) certified copy of court papers (Secs. 118.121 and 118.1235, Local Government Code) . . . \$2 for first page; \$0.25

1 for each additional page; and

2 (E) issuing other document (no return required)
3 (Sec. 118.121, Local Government Code) . . . \$1 for first page;
4 \$0.25 for each additional page;

5 (3) court fees and costs, if ordered by the court, for
6 a suit filed by an inmate in which an affidavit or unsworn
7 declaration of inability to pay costs is filed by the inmate (Sec.
8 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

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

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

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

- 1 (A) expenses of service of process;
- 2 (B) postage; and
- 3 (C) transportation, housing, or medical care
- 4 incurred in connection with the appearance of the inmate in the
- 5 court for any proceeding.

6 SECTION 2. Section 118.121, Local Government Code, is
7 amended to read as follows:

8 Sec. 118.121. FEE SCHEDULE. A justice of the peace shall
9 collect the following fees for services rendered to any person:

- 10 (1) Services rendered before judgment (Sec. 118.122):
- 11 (A) Justice court \$25.00 [~~\$15.00~~]
- 12 (B) Small claims court \$25.00 [~~\$10.00~~]
- 13 (2) Services rendered after judgment (Sec. 118.123):
- 14 (A) Transcript \$10.00
- 15 (B) Abstract of judgment \$5.00
- 16 (C) Execution, order of sale, writ of
- 17 restitution, or other writ or process \$5.00 per page
- 18 Certified copy of court papers . . \$2.00 for
- 19 first page
- 20 \$0.25 for each additional page
- 21 Issuing other document
- 22 (no return required) \$1.00 for
- 23 first page
- 24 \$0.25 for each additional page

25 SECTION 3. This Act applies only to a cause of action filed
26 on or after the effective date of this Act. A cause of action filed
27 before the effective date of this Act is governed by the law in

1 effect at the time the cause of action was filed, and that law is
2 continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2007.