

1-1 By: Hinojosa S.B. No. 1412
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 10, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 10, 2007, sent to printer.)

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

1-8 relating to certain fees collected by justice courts and small
1-9 claims courts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 101.141, Government
1-12 Code, is amended to read as follows:

1-13 (b) A justice of the peace shall collect the following fees:

1-14 (1) services rendered before judgment (Secs. 118.121
1-15 and 118.122, Local Government Code):

1-16 (A) justice court (Sec. 118.121, Local
1-17 Government Code) . . . \$25 [~~\$15~~]; and

1-18 (B) small claims court (Sec. 118.121, Local
1-19 Government Code) . . . \$25 [~~\$10~~];

1-20 (2) services rendered after judgment (Secs. 118.121
1-21 and 118.123, Local Government Code):

1-22 (A) transcript (Sec. 118.121, Local Government
1-23 Code) . . . \$10;

1-24 (B) abstract of judgment (Sec. 118.121, Local
1-25 Government Code) . . . \$5;

1-26 (C) execution, order of sale, writ of
1-27 restitution, or other writ or process (Sec. 118.121, Local
1-28 Government Code) . . . \$5 per page;

1-29 (D) certified copy of court papers (Secs. 118.121
1-30 and 118.1235, Local Government Code) . . . \$2 for first page; \$0.25
1-31 for each additional page; and

1-32 (E) issuing other document (no return required)
1-33 (Sec. 118.121, Local Government Code) . . . \$1 for first page;
1-34 \$0.25 for each additional page;

1-35 (3) court fees and costs, if ordered by the court, for
1-36 a suit filed by an inmate in which an affidavit or unsworn
1-37 declaration of inability to pay costs is filed by the inmate (Sec.
1-38 14.006, Civil Practice and Remedies Code) . . . the lesser of:

1-39 (A) 20 percent of the preceding six months'
1-40 deposits to the inmate's trust account administered by the Texas
1-41 Department of Criminal Justice under Section 501.014, Government
1-42 Code; or

1-43 (B) the total amount of court fees and costs;

1-44 (4) monthly payment for remaining court fees and costs
1-45 after the initial payment for a suit in which an affidavit or
1-46 unsworn declaration of inability to pay costs is filed by the inmate
1-47 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser
1-48 of:

1-49 (A) 10 percent of that month's deposit to the
1-50 inmate's trust account administered by the Texas Department of
1-51 Criminal Justice under Section 501.014, Government Code; or

1-52 (B) the total amount of court fees and costs that
1-53 remain unpaid; and

1-54 (5) the following costs not otherwise charged to the
1-55 inmate under Section 14.006, Civil Practice and Remedies Code, if
1-56 the inmate has previously filed an action dismissed as malicious or
1-57 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

1-58 (A) expenses of service of process;

1-59 (B) postage; and

1-60 (C) transportation, housing, or medical care
1-61 incurred in connection with the appearance of the inmate in the
1-62 court for any proceeding.

1-63 SECTION 2. Section 118.121, Local Government Code, is
1-64 amended to read as follows:

2-1 Sec. 118.121. FEE SCHEDULE. A justice of the peace shall
2-2 collect the following fees for services rendered to any person:

2-3 (1) Services rendered before judgment (Sec. 118.122):

2-4 (A) Justice court \$25.00 [~~\$15.00~~]

2-5 (B) Small claims court \$25.00 [~~\$10.00~~]

2-6 (2) Services rendered after judgment (Sec. 118.123):

2-7 (A) Transcript \$10.00

2-8 (B) Abstract of judgment \$5.00

2-9 (C) Execution, order of sale, writ of
2-10 restitution, or other writ or process \$5.00 per page

2-11 Certified copy of court papers . . \$2.00 for
2-12 first page

2-13 \$0.25 for each additional page

2-14 Issuing other document

2-15 (no return required) \$1.00 for
2-16 first page

2-17 \$0.25 for each additional page

2-18 SECTION 3. This Act applies only to a cause of action filed
2-19 on or after the effective date of this Act. A cause of action filed
2-20 before the effective date of this Act is governed by the law in
2-21 effect at the time the cause of action was filed, and that law is
2-22 continued in effect for that purpose.

2-23 SECTION 4. This Act takes effect September 1, 2007.

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