

By: Wentworth

S.B. No. 2030

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an additional filing fee for civil cases filed in Hays
3 County.

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

5 SECTION 1. Subchapter H, Chapter 51, Government Code, is
6 amended by adding Section 51.707 to read as follows:

7 Sec. 51.707. ADDITIONAL FILING FEE FOR CIVIL CASES IN HAYS
8 COUNTY. (a) This section applies only to district courts, probate
9 courts, county courts at law, and justice courts in Hays County.

10 (b) Except as otherwise provided by this section and in
11 addition to all other fees authorized or required by other law, the
12 clerk of a court shall collect a filing fee of not more than \$15 in
13 each civil case filed in the court to be used for the construction,
14 renovation, or improvement of the facilities that house the Hays
15 County civil courts.

16 (c) Court fees due under this section shall be collected in
17 the same manner as other fees, fines, or costs are collected in the
18 case.

19 (d) The clerk shall send the fees collected under this
20 section to the county treasurer or to any other official who
21 discharges the duties commonly assigned to the county treasurer at
22 least as frequently as monthly. The treasurer or other official
23 shall deposit the fees in a special account in the county treasury
24 dedicated to the construction, renovation, or improvement of the

1 facilities that house the courts collecting the fee.

2 (e) This section applies only to fees for a 12-month period
3 beginning July 1, if the commissioners court:

4 (1) adopts a resolution authorizing a fee of not more
5 than \$15;

6 (2) adopts a resolution requiring the county to spend
7 one dollar for the construction, renovation, or improvement of the
8 court facilities for each dollar spent from the special account
9 dedicated to that purpose; and

10 (3) files the resolutions with the county treasurer or
11 with any other official who discharges the duties commonly assigned
12 to the county treasurer not later than June 1 immediately preceding
13 the first 12-month period during which the fees are to be collected.

14 (f) A resolution adopted under Subsection (e) continues
15 from year to year until July 1, 2022, allowing the county to collect
16 fees under the terms of this section until the resolution is
17 rescinded.

18 (g) The commissioners court may rescind a resolution
19 adopted under Subsection (e) by adopting a resolution rescinding
20 the resolution and submitting the rescission resolution to the
21 county treasurer or to any other official who discharges the duties
22 commonly assigned to the county treasurer not later than June 1
23 preceding the beginning of the first day of the county fiscal year.
24 The commissioners court may adopt an additional resolution in the
25 manner provided by Subsection (e) after rescinding a previous
26 resolution under that subsection.

27 (h) A fee established under a particular resolution is

1 abolished on the earlier of:

2 (1) the date a resolution adopted under Subsection (e)
3 is rescinded as provided by Subsection (g); or

4 (2) July 1, 2022.

5 (i) The county may make the required expenditure described
6 by Subsection (e)(2) at any time, regardless of when the
7 expenditure from the special account occurs.

8 SECTION 2. Section 101.061, Government Code, is amended to
9 read as follows:

10 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
11 district court shall collect fees and costs as follows:

12 (1) filing fee in action with respect to a fraudulent
13 court record or fraudulent lien or claim filed against property
14 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

15 (2) fee for service of notice of action with respect to
16 a fraudulent court record or fraudulent lien or claim filed against
17 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
18 to exceed \$20, if notice delivered in person, or the cost of
19 postage, if service is by registered or certified mail;

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

24 (4) appellate judicial system filing fees for:

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

27 (B) Second Court of Appeals District (Sec.

1 22.2031, Government Code) . . . not more than \$5;

2 (C) Fourth Court of Appeals District (Sec.
3 22.2051, Government Code) . . . not more than \$5;

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

6 (E) Thirteenth Court of Appeals District (Sec.
7 22.2141, Government Code) . . . not more than \$5;

8 (5) additional filing fees:

9 (A) for each suit filed for insurance contingency
10 fund, if authorized by the county commissioners court (Sec. 51.302,
11 Government Code) . . . not to exceed \$5;

12 (B) for each civil suit filed, for court-related
13 purposes for the support of the judiciary and for civil legal
14 services to an indigent:

15 (i) for family law cases and proceedings as
16 defined by Section 25.0002, Government Code (Sec. 133.151, Local
17 Government Code) . . . \$45; or

18 (ii) for any case other than a case
19 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
20 . . . \$50;

21 (C) to fund the improvement of Dallas County
22 civil court facilities, if authorized by the county commissioners
23 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

24 (D) on the filing of any civil action or
25 proceeding requiring a filing fee, including an appeal, and on the
26 filing of any counterclaim, cross-action, intervention,
27 interpleader, or third-party action requiring a filing fee, to fund

1 civil legal services for the indigent:

2 (i) for family law cases and proceedings as
3 defined by Section 25.0002, Government Code (Sec. 133.152, Local
4 Government Code) . . . \$5; or

5 (ii) for any case other than a case
6 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
7 . . . \$10; and

8 (E) to fund the improvement of Hays County court
9 facilities, if authorized by the county commissioners court (Sec.
10 51.707, Government Code) . . . not more than \$15;

11 (6) for filing a suit, including an appeal from an
12 inferior court:

13 (A) for a suit with 10 or fewer plaintiffs (Sec.
14 51.317, Government Code) . . . \$50;

15 (B) for a suit with at least 11 but not more than
16 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

17 (C) for a suit with at least 26 but not more than
18 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

19 (D) for a suit with at least 101 but not more than
20 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

21 (E) for a suit with at least 501 but not more than
22 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

23 (F) for a suit with more than 1,000 plaintiffs
24 (Sec. 51.317, Government Code) . . . \$200;

25 (7) for filing a cross-action, counterclaim,
26 intervention, contempt action, motion for new trial, or third-party
27 petition (Sec. 51.317, Government Code) . . . \$15;

1 (8) for issuing a citation or other writ or process not
2 otherwise provided for, including one copy, when requested at the
3 time a suit or action is filed (Sec. 51.317, Government Code) . . .
4 \$8;

5 (9) for records management and preservation (Sec.
6 51.317, Government Code) . . . \$10;

7 (10) for issuing a subpoena, including one copy (Sec.
8 51.318, Government Code) . . . \$8;

9 (11) for issuing a citation, commission for
10 deposition, writ of execution, order of sale, writ of execution and
11 order of sale, writ of injunction, writ of garnishment, writ of
12 attachment, or writ of sequestration not provided for in Section
13 51.317, or any other writ or process not otherwise provided for,
14 including one copy if required by law (Sec. 51.318, Government
15 Code) . . . \$8;

16 (12) for searching files or records to locate a cause
17 when the docket number is not provided (Sec. 51.318, Government
18 Code) . . . \$5;

19 (13) for searching files or records to ascertain the
20 existence of an instrument or record in the district clerk's office
21 (Sec. 51.318, Government Code) . . . \$5;

22 (14) for abstracting a judgment (Sec. 51.318,
23 Government Code) . . . \$8;

24 (15) for approving a bond (Sec. 51.318, Government
25 Code) . . . \$4;

26 (16) for a certified copy of a record, judgment,
27 order, pleading, or paper on file or of record in the district

1 clerk's office, including certificate and seal, for each page or
2 part of a page (Sec. 51.318, Government Code) . . . \$1;

3 (17) for a noncertified copy, for each page or part of
4 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

5 (18) jury fee (Sec. 51.604, Government Code) . . .
6 \$30;

7 (19) for filing a report of divorce or annulment (Sec.
8 194.002, Health and Safety Code) . . . \$1;

9 (20) for filing a suit in Comal County (Sec. 152.0522,
10 Human Resources Code) . . . \$4;

11 (21) additional filing fee for family protection on
12 filing a suit for dissolution of a marriage under Chapter 6, Family
13 Code, if authorized by the county commissioners court (Sec. 51.961,
14 Government Code) . . . not to exceed \$30;

15 (22) fee on filing a suit for dissolution of a marriage
16 for services of child support department in Harris County, if
17 authorized by the county commissioners court (Sec. 152.1074, Human
18 Resources Code) . . . not to exceed \$12;

19 (22-a) a child support service fee in Nueces County if
20 ordered by the commissioners court and assessed by the court (Sec.
21 152.1844, Human Resources Code) . . . not to exceed \$5 a month
22 payable annually in advance;

23 (22-b) a service fee to be paid by a person ordered by
24 a district court to pay child or spousal support:

25 (A) in Collin County if authorized by the
26 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
27 exceed \$2.50 added to first support payment each month;

1 (B) in Johnson County if authorized by the
2 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
3 added to first support payment each month; and

4 (C) in Montague County (Sec. 152.1752, Human
5 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
6 cents if fee is ordered to be paid semimonthly or weekly;

7 (22-c) attorney's fees as an additional cost in
8 Montague County on a finding of contempt of court for failure to pay
9 child or spousal support if the contempt action is initiated by the
10 probation department (Sec. 152.1752, Human Resources Code) . . .
11 \$15;

12 (23) fee on filing a suit requesting an adoption in
13 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

14 (24) court cost on citation for contempt of court for
15 failure to comply with child support order in Nueces County, if
16 authorized by the commissioners court (Sec. 152.1844, Human
17 Resources Code) . . . not to exceed \$10;

18 (25) fee on filing a suit for divorce in Orange County
19 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

20 (26) court costs on citation for contempt of court in
21 Orange County for failure to comply with a child support order or
22 order providing for possession of or access to a child (Sec.
23 152.1873, Human Resources Code) . . . amount determined by district
24 clerk;

25 (27) fee on filing a suit requesting an adoption in
26 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
27 than \$25;

1 (28) fee on filing a suit requesting an adoption in
2 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

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

6 (30) additional filing fee for filing documents not
7 subject to certain filing fees to fund the courthouse security
8 fund, if authorized by the county commissioners court (Sec.
9 291.008, Local Government Code) . . . \$1;

10 (31) additional filing fee to fund the courthouse
11 security fund in Webb County, if authorized by the county
12 commissioners court (Sec. 291.009, Local Government Code) . . . not
13 to exceed \$20;

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

18 (33) when administering a case for the Rockwall County
19 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
20 court costs as if the case had been filed in district court;

21 (34) at a hearing held by an associate judge in Dallas
22 County, a court cost to preserve the record, in the absence of a
23 court reporter, by other means (Sec. 54.509, Government Code) . . .
24 as assessed by the referring court or associate judge;

25 (35) at a hearing held by an associate judge in Duval
26 County, a court cost to preserve the record (Sec. 54.1151,
27 Government Code, as added by Chapter 1150, Acts of the 78th

1 Legislature, Regular Session, 2003) . . . as imposed by the
2 referring court or associate judge;

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

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

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

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

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

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

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

26 (A) expenses of service of process;

27 (B) postage; and

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

4 (39) fee for performing a service:

5 (A) related to the matter of the estate of a
6 deceased person (Sec. 51.319, Government Code) . . . the same fee
7 allowed the county clerk for those services;

8 (B) related to the matter of a minor (Sec.
9 51.319, Government Code) . . . the same fee allowed the county
10 clerk for the service;

11 (C) of serving process by certified or registered
12 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
13 constable is authorized to charge for the service under Section
14 118.131, Local Government Code; and

15 (D) prescribed or authorized by law but for which
16 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

17 (40) court costs, which may include expert witness
18 fees in Travis County in an action in which the plaintiff prevails
19 against an insurer for economic damages sustained by the plaintiff
20 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
21 . . . court costs and reasonable and necessary expert witness fees;

22 (41) security deposit on filing, by any person other
23 than the personal representative of an estate, an application,
24 complaint, or opposition in relation to the estate, if required by
25 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
26 proceeding;

27 (42) security deposit on filing, by any person other

1 than the guardian, attorney ad litem, or guardian ad litem, an
2 application, complaint, or opposition in relation to a guardianship
3 matter, if required by the clerk (Sec. 622, Texas Probate Code)
4 . . . probable cost of the guardianship proceeding; and

5 (43) fee for filing an additional petition for review
6 of an appraisal review board order relating to certain regulated
7 property running through or operating in more than one county after
8 the first petition for review relating to the same property is filed
9 for a tax year (Sec. 42.221, Tax Code) . . . \$5.

10 SECTION 3. Section 101.081, Government Code, is amended to
11 read as follows:

12 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
13 clerk of a statutory county court shall collect fees and costs as
14 follows:

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

19 (2) appellate judicial system filing fees:

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

22 (B) Second Court of Appeals District (Sec.
23 22.2031, Government Code) . . . not more than \$5;

24 (C) Fourth Court of Appeals District (Sec.
25 22.2051, Government Code) . . . not more than \$5;

26 (D) Fifth Court of Appeals District (Sec.
27 22.2061, Government Code) . . . not more than \$5; and

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

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

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

8 (5) a stenographer fee, if a record or part of a record
9 is made:

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

12 (B) in a county court at law in Nolan County (Sec.
13 25.1792, Government Code) . . . \$25;

14 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

15 (7) an additional filing fee:

16 (A) for each civil case filed to be used for
17 court-related purposes for the support of the judiciary, if
18 authorized by the county commissioners court (Sec. 51.702,
19 Government Code) . . . \$40;

20 (B) to fund the improvement of Dallas County
21 civil court facilities, if authorized by the county commissioners
22 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

23 (C) for filing any civil action or proceeding
24 requiring a filing fee, including an appeal, and on the filing of
25 any counterclaim, cross-action, intervention, interpleader, or
26 third-party action requiring a filing fee, to fund civil legal
27 services for the indigent (Sec. 133.153, Local Government Code)

1 . . . \$5; and

2 (D) to fund the improvement of Hays County court
3 facilities, if authorized by the county commissioners court (Sec.
4 51.707, Government Code) . . . not more than \$15;

5 (8) for filing an application for registration of
6 death (Sec. 193.007, Health and Safety Code) . . . \$1;

7 (9) fee for judge's services on an application for
8 court-ordered mental health services (Sec. 574.031, Health and
9 Safety Code) . . . not to exceed \$50;

10 (10) fee for prosecutor's services on an application
11 for court-ordered mental health services (Sec. 574.031, Health and
12 Safety Code) . . . not to exceed \$50;

13 (11) for filing a suit in Comal County (Sec. 152.0522,
14 Human Resources Code) . . . \$4;

15 (12) additional filing fee to fund contingency fund
16 for liability insurance, if authorized by the county commissioners
17 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

18 (13) civil court actions (Sec. 118.052, Local
19 Government Code):

20 (A) filing of original action (Secs. 118.052 and
21 118.053, Local Government Code):

22 (i) garnishment after judgment (Sec.
23 118.052, Local Government Code) . . . \$15; and

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

26 (B) filing of action other than original (Secs.
27 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

7 (14) probate court actions (Sec. 118.052, Local
8 Government Code):

9 (A) probate original action (Secs. 118.052 and
10 118.055, Local Government Code):

11 (i) probate of a will with independent
12 executor, administration with will attached, administration of an
13 estate, guardianship or receivership of an estate, or muniment of
14 title (Sec. 118.052, Local Government Code) . . . \$40;

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

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

19 (iv) declarations of heirship (Sec.
20 118.052, Local Government Code) . . . \$40;

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

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

25 (B) services in pending probate action (Secs.
26 118.052 and 118.056, Local Government Code):

27 (i) filing an inventory and appraisalment

1 after the 120th day after the date of the initial filing of the
2 action (Sec. 118.052, Local Government Code) . . . \$25;

3 (ii) approving and recording bond (Sec.
4 118.052, Local Government Code) . . . \$3;

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

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

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

11 (vi) filing annual or final report of
12 guardian of a person (Sec. 118.052, Local Government Code) . . .
13 \$10; and

14 (vii) filing a document not listed under
15 this paragraph after the filing of an order approving the inventory
16 and appraisement or after the 120th day after the date of the
17 initial filing of the action, whichever occurs first (Secs. 118.052
18 and 191.007, Local Government Code), if more than 25 pages . . .
19 \$25;

20 (C) adverse probate action (Secs. 118.052 and
21 118.057, Local Government Code) . . . \$40; and

22 (D) claim against estate (Secs. 118.052 and
23 118.058, Local Government Code) . . . \$2;

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

25 (A) issuing document (Secs. 118.052 and 118.059,
26 Local Government Code):

27 (i) original document and one copy (Sec.

1 118.052, Local Government Code) . . . \$4; and
2 (ii) each additional set of an original and
3 one copy (Sec. 118.052, Local Government Code) . . . \$4;
4 (B) certified papers (Secs. 118.052 and 118.060,
5 Local Government Code):
6 (i) for the clerk's certificate (Sec.
7 118.052, Local Government Code) . . . \$5; and
8 (ii) a fee per page or part of a page (Sec.
9 118.052, Local Government Code) . . . \$1;
10 (C) noncertified papers, for each page or part of
11 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
12 \$1;
13 (D) letters testamentary, letter of
14 guardianship, letter of administration, or abstract of judgment
15 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
16 (E) safekeeping of wills (Secs. 118.052 and
17 118.062, Local Government Code) . . . \$5;
18 (F) mail service of process (Secs. 118.052 and
19 118.063, Local Government Code) . . . same as sheriff; and
20 (G) records management and preservation fee
21 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
22 . . . \$5;
23 (16) additional filing fee to fund the courthouse
24 security fund, if authorized by the county commissioners court
25 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
26 (17) additional filing fee for filing documents not
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.
2 291.008, Local Government Code) . . . \$1;

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

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

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

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

16 (22) fee for county attorney in a suit regarding a
17 railroad company's failure to keep roadbed and right-of-way in
18 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
19 \$10;

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

24 (A) 20 percent of the preceding six months'
25 deposits to the inmate's trust account administered by the Texas
26 Department of Criminal Justice under Section 501.014, Government
27 Code; or

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

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

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

10 (B) the total amount of court fees and costs that
11 remain unpaid;

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

16 (A) expenses of service of process;

17 (B) postage; and

18 (C) transportation, housing, or medical care
19 incurred in connection with the appearance of the inmate in the
20 court for any proceeding;

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

23 (A) in Bexar County Courts at Law:

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

27 (ii) No. 2 (Sec. 25.0172, Government Code)

1 . . . \$3;

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

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

8 (27) a stenographer's fee as costs in each civil,
9 criminal, and probate case in which a record is made by the official
10 court reporter in a statutory county court in Nolan County (Sec.
11 25.1792, Government Code) . . . \$25;

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

16 (29) in Nueces County, in matters of concurrent
17 jurisdiction with the district court, with certain exceptions, fees
18 (Sec. 25.1802, Government Code) . . . equal to those in district
19 court cases;

20 (30) security deposit on filing, by any person other
21 than the personal representative of an estate, an application,
22 complaint, or opposition in relation to the estate, if required by
23 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
24 proceeding;

25 (31) security deposit on filing, by any person other
26 than the guardian, attorney ad litem, or guardian ad litem, an
27 application, complaint, or opposition in relation to a guardianship

1 matter, if required by the clerk (Sec. 622, Texas Probate Code)
2 . . . probable cost of the guardianship proceeding;

3 (32) for a hearing or proceeding under the Texas
4 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
5 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
6 reasonable compensation to the following persons appointed under
7 the Texas Mental Health Code:

- 8 (A) attorneys;
- 9 (B) physicians;
- 10 (C) language interpreters;
- 11 (D) sign interpreters; and
- 12 (E) masters;

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

- 16 (A) attorney's fees;
- 17 (B) physician examination fees;
- 18 (C) expense of transportation to a mental health
19 facility or to a federal agency not to exceed \$50 if transporting
20 within the same county and not to exceed the reasonable cost of
21 transportation if transporting between counties;
- 22 (D) costs and salary supplements authorized
23 under Section 574.031, Health and Safety Code; and
- 24 (E) prosecutors' fees authorized under Section
25 574.031, Health and Safety Code;

26 (34) expenses of transporting certain patients from
27 the county of treatment to a hearing in the county in which the

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

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

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

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

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

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

27 SECTION 4. Section 101.101, Government Code, is amended to

1 read as follows:

2 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The
3 clerk of a statutory probate court shall collect fees and costs as
4 follows:

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

9 (2) appellate judicial system filing fees:

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

12 (B) Second Court of Appeals District (Sec.
13 22.2031, Government Code) . . . not more than \$5;

14 (C) Fourth Court of Appeals District (Sec.
15 22.2051, Government Code) . . . not more than \$5;

16 (D) Fifth Court of Appeals District (Sec.
17 22.2061, Government Code) . . . not more than \$5; and

18 (E) Thirteenth Court of Appeals District (Sec.
19 22.2141, Government Code) . . . not more than \$5;

20 (3) additional filing fees as follows:

21 (A) for certain cases to be used for
22 court-related purposes for support of the judiciary, if authorized
23 by the county commissioners court (Sec. 51.704, Government Code)
24 . . . \$40;

25 (B) to fund the improvement of Dallas County
26 civil court facilities, if authorized by the county commissioners
27 court (Sec. 51.705, Government Code) . . . not more than \$15; [~~and~~]

1 (C) for filing any civil action or proceeding
2 requiring a filing fee, including an appeal, and on the filing of
3 any counterclaim, cross-action, intervention, interpleader, or
4 third-party action requiring a filing fee to fund civil legal
5 services for the indigent (Sec. 133.153, Local Government Code)
6 . . . \$5; and

7 (D) to fund the improvement of Hays County court
8 facilities, if authorized by the county commissioners court (Sec.
9 51.707, Government Code). . . not more than \$15;

10 (4) for filing an application for registration of
11 death (Sec. 193.007, Health and Safety Code) . . . \$1;

12 (5) fee for judge's services on an application for
13 court-ordered mental health services (Sec. 574.031, Health and
14 Safety Code) . . . not to exceed \$50;

15 (6) fee for prosecutor's services on an application
16 for court-ordered mental health services (Sec. 574.031, Health and
17 Safety Code) . . . not to exceed \$50;

18 (7) additional filing fee to fund contingency fund for
19 liability insurance, if authorized by the county commissioners
20 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

21 (8) probate court actions (Sec. 118.052, Local
22 Government Code):

23 (A) probate original action (Secs. 118.052 and
24 118.055, Local Government Code):

25 (i) probate of a will with independent
26 executor, administration with will attached, administration of an
27 estate, guardianship or receivership of an estate, or muniment of

- 1 title (Sec. 118.052, Local Government Code) . . . \$40;
- 2 (ii) community survivors (Sec. 118.052,
3 Local Government Code) . . . \$40;
- 4 (iii) small estates (Sec. 118.052, Local
5 Government Code) . . . \$40;
- 6 (iv) declarations of heirship (Sec.
7 118.052, Local Government Code) . . . \$40;
- 8 (v) mental health or chemical dependency
9 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 10 (vi) additional, special fee (Secs. 118.052
11 and 118.064, Local Government Code) . . . \$5;
- 12 (B) services in pending probate action (Secs.
13 118.052 and 118.056, Local Government Code):
- 14 (i) filing an inventory and appraisalment
15 after the 120th day after the date of the initial filing of the
16 action (Sec. 118.052, Local Government Code) . . . \$25;
- 17 (ii) approving and recording bond (Sec.
18 118.052, Local Government Code) . . . \$3;
- 19 (iii) administering oath (Sec. 118.052,
20 Local Government Code) . . . \$2;
- 21 (iv) filing annual or final account of
22 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 23 (v) filing application for sale of real or
24 personal property (Sec. 118.052, Local Government Code). . . \$25;
- 25 (vi) filing annual or final report of
26 guardian of a person (Sec. 118.052, Local Government Code) . . .
27 \$10; and

1 (vii) filing a document not listed under
2 this paragraph after the filing of an order approving the inventory
3 and appraisement or after the 120th day after the date of the
4 initial filing of the action, whichever occurs first (Secs. 118.052
5 and 191.007, Local Government Code), if more than 25 pages . . .
6 \$25;

7 (C) adverse probate action (Secs. 118.052 and
8 118.057, Local Government Code) . . . \$40; and

9 (D) claim against estate (Secs. 118.052 and
10 118.058, Local Government Code) . . . \$2;

11 (9) other fees (Sec. 118.052, Local Government Code):

12 (A) issuing document (Secs. 118.052 and 118.059,
13 Local Government Code):

14 (i) original document and one copy (Sec.
15 118.052, Local Government Code) . . . \$4; and

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

18 (B) certified papers (Secs. 118.052 and 118.060,
19 Local Government Code):

20 (i) for the clerk's certificate (Sec.
21 118.052, Local Government Code) . . . \$5; and

22 (ii) a fee per page or part of a page (Sec.
23 118.052, Local Government Code) . . . \$1;

24 (C) noncertified papers, for each page or part of
25 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
26 \$1;

27 (D) letters testamentary, letter of

1 guardianship, letter of administration, or abstract of judgment
2 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

3 (E) safekeeping of wills (Secs. 118.052 and
4 118.062, Local Government Code) . . . \$5;

5 (F) mail service of process (Secs. 118.052 and
6 118.063, Local Government Code) . . . same as sheriff; and

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

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

11 (11) court costs for each special commissioner in an
12 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
13 taxed by the court, \$10 or more;

14 (12) jury fee for civil case (Sec. 51.604, Government
15 Code) . . . \$22;

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

20 (14) the expense of preserving the record as a court
21 cost, if imposed on a party by the referring court or associate
22 judge (Sec. 54.612, Government Code) . . . actual cost;

23 (15) security deposit on filing, by any person other
24 than the personal representative of an estate, an application,
25 complaint, or opposition in relation to the estate, if required by
26 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
27 proceeding;

1 (16) security deposit on filing, by any person other
2 than the guardian, attorney ad litem, or guardian ad litem, an
3 application, complaint, or opposition in relation to a guardianship
4 matter, if required by the clerk (Sec. 622, Texas Probate Code)
5 . . . probable cost of the guardianship proceeding;

6 (17) for a hearing or proceeding under the Texas
7 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
8 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
9 reasonable compensation to the following persons appointed under
10 the Texas Mental Health Code:

- 11 (A) attorneys;
- 12 (B) physicians;
- 13 (C) language interpreters;
- 14 (D) sign interpreters; and
- 15 (E) masters;

16 (18) for a hearing or proceeding under the Texas
17 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
18 costs (Sec. 571.018, Health and Safety Code):

- 19 (A) attorney's fees;
- 20 (B) physician examination fees;
- 21 (C) expense of transportation to a mental health
22 facility or to a federal agency not to exceed \$50 if transporting
23 within the same county and not to exceed the reasonable cost of
24 transportation if transporting between counties;
- 25 (D) costs and salary supplements authorized
26 under Section 574.031, Health and Safety Code; and
- 27 (E) prosecutors' fees authorized under Section

1 574.031, Health and Safety Code;

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

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

11 (21) fee for judge's services for holding a hearing on
12 an application for court-ordered mental health services (Sec.
13 574.031, Health and Safety Code) . . . as assessed by the judge, not
14 to exceed \$50;

15 (22) expenses to reimburse judge for holding a hearing
16 in a hospital or location other than the county courthouse (Sec.
17 574.031, Health and Safety Code) . . . reasonable and necessary
18 expenses as certified;

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

24 (24) a fee not otherwise listed in this section that is
25 required to be collected under Section 25.0029, Government Code
26 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
27 to county judges' fees.

1 SECTION 5. Section 101.141, Government Code, is amended to
2 read as follows:

3 Sec. 101.141. JUSTICE COURT AND SMALL CLAIMS COURT FEES AND
4 COSTS. (a) A clerk of a justice court shall collect fees and costs
5 as follows:

6 (1) additional court cost in certain civil cases to
7 establish and maintain an alternative dispute resolution system, if
8 authorized by the commissioners court of a county with a population
9 of at least 2.5 million (Sec. 152.005, Civil Practice and Remedies
10 Code) . . . not to exceed \$3;

11 (2) additional filing fees:

12 (A) to fund Dallas County civil court facilities
13 (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

14 (B) for filing any civil action or proceeding
15 requiring a filing fee, including an appeal, and on the filing of
16 any counterclaim, cross-action, intervention, interpleader, or
17 third-party action requiring a filing fee, to fund civil legal
18 services for the indigent (Sec. 133.153, Local Government Code)
19 . . . \$2; and

20 (C) to fund the improvement of Hays County court
21 facilities, if authorized by the county commissioners court (Sec.
22 51.707, Government Code) . . . not more than \$15;

23 (3) for filing a suit in Comal County (Sec. 152.0522,
24 Human Resources Code) . . . \$1.50;

25 (4) fee for hearing on probable cause for removal of a
26 vehicle and placement in a storage facility if assessed by the court
27 (Sec. 685.008, Transportation Code) . . . \$20;

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

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

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

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

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

18 (B) the total amount of court fees and costs that
19 remain unpaid;

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

24 (A) expenses of service of process;

25 (B) postage; and

26 (C) transportation, housing, or medical care
27 incurred in connection with the appearance of the inmate in the

1 court for any proceeding; and

2 (8) the cost of a special program that a court may
3 order a child to attend after a finding that the child committed an
4 offense, if ordered by the court (Art. 45.057, Code of Criminal
5 Procedure) . . . costs of the program not to exceed \$100.

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

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

9 (A) justice court (Sec. 118.121, Local
10 Government Code) . . . \$15; and

11 (B) small claims court (Sec. 118.121, Local
12 Government Code) . . . \$10;

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

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

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

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

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

25 (E) issuing other document (no return required)
26 (Sec. 118.121, Local Government Code) . . . \$1 for first page;
27 \$0.25 for each additional page;

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

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

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

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

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

18 (B) the total amount of court fees and costs that
19 remain unpaid; and

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

24 (A) expenses of service of process;

25 (B) postage; and

26 (C) transportation, housing, or medical care
27 incurred in connection with the appearance of the inmate in the

1 court for any proceeding.

2 SECTION 6. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.