

BILL ANALYSIS

S.B. 409
By: Carona
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Section 118.121 (Fee Schedule) of the Local Government Code requires justices of the peace to collect fees for providing copies of documents held by the court. In practice, many justices of the peace do not charge criminal defendants or their attorneys for copies of documents contained in their court files, nor do they charge prosecutors for copies of court documents. Section 118.124 (Prohibited Fees), Local Government Code, disallows certain other fees.

As proposed, S.B. 409 amends Section 118.124, Local Government Code, to provide that a justice is not entitled to a fee for the first copy of a document in a criminal case issued to a criminal defendant, an attorney representing the defendant, or a prosecuting attorney.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 118.124, Local Government Code, to include among the fees to which a justice of the peace is not entitled a fee for the first copy of a document in a criminal case issued to a criminal defendant in the case, an attorney representing a criminal defendant in the case, or a prosecuting attorney.

SECTION 2. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage or September 1, 2009.