

SENATE AMENDMENTS

2nd Printing

By: Hughes

H.B. No. 3637

A BILL TO BE ENTITLED

AN ACT

relating to filing fees in civil actions and proceedings, to fees charged on conviction in certain courts, to the preservation of court records, to money paid into the registry of a court in certain counties, and to the appointment of counsel in certain suits.

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

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0169 to read as follows:

Art. 102.0169. COURT COSTS; COUNTY AND DISTRICT COURT TECHNOLOGY FUND. (a) A defendant convicted of a criminal offense in a county court, statutory county court, or district court shall pay a \$4 county and district court technology fee as a cost of court.

(b) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(c) The clerks of the courts described by Subsection (a) shall collect the costs and pay them to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer, as appropriate, for deposit in a fund to be known as the county and district court technology fund.

1 (d) A fund designated by this article may be used only to
2 finance:

3 (1) the cost of continuing education and training for
4 county court, statutory county court, or district court judges and
5 clerks regarding technological enhancements for those courts; and

6 (2) the purchase and maintenance of technological
7 enhancements for a county court, statutory county court, or
8 district court, including:

9 (A) computer systems;

10 (B) computer networks;

11 (C) computer hardware;

12 (D) computer software;

13 (E) imaging systems;

14 (F) electronic kiosks; and

15 (G) docket management systems.

16 (e) The county and district court technology fund shall be
17 administered by or under the direction of the commissioners court
18 of the county.

19 SECTION 2. Section 117.111, Local Government Code, is
20 amended to read as follows:

21 Sec. 117.111. SUBCHAPTER APPLICABLE TO COUNTY WITH
22 POPULATION OF 1.3 [~~2.4~~] MILLION OR MORE. This subchapter applies
23 only to a county with a population of 1.3 [~~2.4~~] million or more.

24 SECTION 3. The heading to Subchapter E, Chapter 117, Local
25 Government Code, is amended to read as follows:

26 SUBCHAPTER E. SPECIAL PROVISIONS APPLYING TO FUNDS PAID INTO COURT
27 REGISTRY IN COUNTY WITH POPULATION OF MORE THAN 1.3 [~~2.4~~] MILLION

1 SECTION 4. Section 133.152(a), Local Government Code, is
2 amended to read as follows:

3 (a) In addition to other fees collected under Section
4 133.151(a) or otherwise authorized or required by law, the clerk of
5 a district court shall collect the following fees on the filing of
6 any civil action or proceeding requiring a filing fee, including an
7 appeal, and on the filing of any counterclaim, cross-action,
8 intervention, interpleader, or third-party action requiring a
9 filing fee:

10 (1) \$5 in family law cases and proceedings as defined
11 by Section 25.0002, Government Code; and

12 (2) \$10 in any case other than a case described by
13 Subdivision (1).

14 SECTION 5. Section 133.153(a), Local Government Code, is
15 amended to read as follows:

16 (a) In addition to other fees authorized or required by law,
17 the clerk of a court other than a district court, the courts of
18 appeals, or the supreme court shall collect the following fees on
19 the filing of any civil action or proceeding requiring a filing fee,
20 including an appeal, and on the filing of any counterclaim,
21 cross-action, intervention, interpleader, or third-party action
22 requiring a filing fee:

23 (1) \$10 [~~\$5~~] for statutory and constitutional county
24 courts; and

25 (2) \$6 [~~\$2~~] for justice of the peace courts.

26 SECTION 6. Subchapter A, Chapter 25, Government Code, is
27 amended by adding Section 25.0020 to read as follows:

Sec. 25.0020. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

(a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on

1 approval of a pauper's affidavit.

2 SECTION 7. Subchapter A, Chapter 26, Government Code, is
3 amended by adding Section 26.010 to read as follows:

4 Sec. 26.010. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

5 (a) On a written application of any party to an eviction suit, the
6 county court or county court at law in which an appeal of the suit is
7 filed may appoint any qualified attorney who is willing to provide
8 pro bono services in the matter or counsel from a list provided by a
9 pro bono legal services program of counsel willing to be appointed
10 to handle appeals under this section to attend to the cause of a
11 party who:

12 (1) was in possession of the residence at the time the
13 eviction suit was filed in the justice court; and

14 (2) has perfected the appeal on a pauper's affidavit
15 approved in accordance with Rule 749a, Texas Rules of Civil
16 Procedure.

17 (b) The appointed counsel shall represent the individual in
18 the proceedings of the suit in the county court or county court at
19 law. At the conclusion of those proceedings, the appointment
20 terminates.

21 (c) The court may terminate representation appointed under
22 this section for cause.

23 (d) Appointed counsel may not receive attorney's fees
24 unless the recovery of attorney's fees is provided for by contract,
25 statute, common law, court rules, or other regulations. The county
26 is not responsible for payment of attorney's fees to appointed
27 counsel.

1 (e) The court shall provide for a method of service of
2 written notice on the parties to an eviction suit of the right to
3 request an appointment of counsel on perfection of appeal on
4 approval of a pauper's affidavit.

5 SECTION 8. Subchapter H, Chapter 51, Government Code, is
6 amended by adding Section 51.708 to read as follows:

7 Sec. 51.708. ADDITIONAL FILING FEE FOR CIVIL CASES IN
8 CERTAIN COURTS. (a) In addition to all other fees authorized or
9 required by other law, the clerk of a county court, statutory county
10 court, or district court shall collect a filing fee of not more than
11 \$10 in each civil case filed in the court to be used for court record
12 preservation for the courts in the county.

13 (b) Court fees due under this section shall be collected in
14 the same manner as other fees, fines, or costs are collected in the
15 case.

16 (c) The clerk at least monthly shall send the fees collected
17 under this section to the county treasurer or to any other official
18 who discharges the duties commonly assigned to the county
19 treasurer. The treasurer or other official shall deposit the fees
20 in a court record preservation account in the county treasury. The
21 money in the account may be used only to digitize court records and
22 preserve the records from natural disasters.

23 (d) The court record preservation account shall be
24 administered by or under the direction of the commissioners court
25 of the county.

26 SECTION 9. Subchapter D, Chapter 101, Government Code, is
27 amended by adding Section 101.06117 to read as follows:

1 Sec. 101.06117. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
2 CODE. The clerk of a district court shall collect an additional
3 filing fee not to exceed \$10 under Section 51.708, Government Code,
4 in certain civil cases to fund the preservation of court records.

5 SECTION 10. Subchapter E, Chapter 101, Government Code, is
6 amended by adding Section 101.08115 to read as follows:

7 Sec. 101.08115. ADDITIONAL STATUTORY COUNTY COURT FEES:
8 GOVERNMENT CODE. The clerk of a statutory county court shall
9 collect an additional filing fee not to exceed \$10 under Section
10 51.708, Government Code, in certain civil cases to fund the
11 preservation of court records.

12 SECTION 11. (a) Section 101.0814, Government Code, is
13 amended to conform to the amendments made to Section 101.081,
14 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
15 Legislature, Regular Session, 2007, and to conform to the
16 amendments made to Section 101.083, Government Code, by Chapter
17 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
18 2007, and is further amended to read as follows:

19 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL
20 GOVERNMENT CODE. The clerk of a statutory county court shall
21 collect fees and costs under the Local Government Code as follows:

22 (1) additional filing fee to fund contingency fund for
23 liability insurance, if authorized by the county commissioners
24 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

25 (2) civil court actions (Sec. 118.052, Local
26 Government Code):

27 (A) filing of original action (Secs. 118.052 and

1 118.053, Local Government Code):

2 (i) garnishment after judgment (Sec.

3 118.052, Local Government Code) . . . \$15; and

4 (ii) all others (Sec. 118.052, Local

5 Government Code) . . . \$40;

6 (B) filing of action other than original (Secs.

7 118.052 and 118.054, Local Government Code) . . . \$30; and

8 (C) services rendered after judgment in original

9 action (Secs. 118.052 and 118.0545, Local Government Code):

10 (i) abstract of judgment (Sec. 118.052,

11 Local Government Code) . . . \$5; and

12 (ii) execution, order of sale, writ, or

13 other process (Sec. 118.052, Local Government Code) . . . \$5;

14 (3) probate court actions (Sec. 118.052, Local

15 Government Code):

16 (A) probate original action (Secs. 118.052 and

17 118.055, Local Government Code):

18 (i) probate of a will with independent

19 executor, administration with will attached, administration of an

20 estate, guardianship or receivership of an estate, or muniment of

21 title (Sec. 118.052, Local Government Code) . . . \$40;

22 (ii) community survivors (Sec. 118.052,

23 Local Government Code) . . . \$40;

24 (iii) small estates (Sec. 118.052, Local

25 Government Code) . . . \$40;

26 (iv) declarations of heirship (Sec.

27 118.052, Local Government Code) . . . \$40;

1 (v) mental health or chemical dependency
2 services (Sec. 118.052, Local Government Code) . . . \$40; and
3 (vi) additional, special fee (Secs. 118.052
4 and 118.064, Local Government Code) . . . \$5;
5 (B) services in pending probate action (Secs.
6 118.052 and 118.056, Local Government Code):
7 (i) filing an inventory and appraisement
8 ~~(Secs. [after the 120th day after the date of the initial filing of~~
9 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
10 . . . \$25;
11 (ii) approving and recording bond (Sec.
12 118.052, Local Government Code) . . . \$3;
13 (iii) administering oath (Sec. 118.052,
14 Local Government Code) . . . \$2;
15 (iv) filing annual or final account of
16 estate (Sec. 118.052, Local Government Code) . . . \$25;
17 (v) filing application for sale of real or
18 personal property (Sec. 118.052, Local Government Code) . . . \$25;
19 (vi) filing annual or final report of
20 guardian of a person (Sec. 118.052, Local Government Code) . . .
21 \$10; and
22 (vii) filing a document not listed under
23 this paragraph after the filing of an order approving the inventory
24 and appraisement or after the 120th day after the date of the
25 initial filing of the action, whichever occurs first (Secs. 118.052
26 and 191.007, Local Government Code), if more than 25 pages . . .
27 \$25;

1 (C) adverse probate action (Secs. 118.052 and
2 118.057, Local Government Code) . . . \$40; and

3 (D) claim against estate (Secs. 118.052 and
4 118.058, Local Government Code) . . . \$2;

5 (4) other fees (Sec. 118.052, Local Government Code):

6 (A) issuing document (Secs. 118.052 and 118.059,
7 Local Government Code):

8 (i) original document and one copy (Sec.
9 118.052, Local Government Code) . . . \$4; and

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

12 (B) certified papers (Secs. 118.052 and 118.060,
13 Local Government Code):

14 (i) for the clerk's certificate (Sec.
15 118.052, Local Government Code) . . . \$5; and

16 (ii) a fee per page or part of a page (Sec.
17 118.052, Local Government Code) . . . \$1;

18 (C) noncertified papers, for each page or part of
19 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
20 \$1;

21 (D) letters testamentary, letter of
22 guardianship, letter of administration, or abstract of judgment
23 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

24 (E) safekeeping of wills (Secs. 118.052 and
25 118.062, Local Government Code) . . . \$5;

26 (F) mail service of process (Secs. 118.052 and
27 118.063, Local Government Code) . . . same as sheriff; and

1 (G) records management and preservation fee
2 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
3 . . . \$5;

4 (5) additional filing fee for filing any civil action
5 or proceeding requiring a filing fee, including an appeal, and on
6 the filing of any counterclaim, cross-action, intervention,
7 interpleader, or third-party action requiring a filing fee, to fund
8 civil legal services for the indigent (Sec. 133.153, Local
9 Government Code) . . . \$10 [~~\$5~~];

10 (6) on the filing of a civil suit, an additional filing
11 fee to be used for court-related purposes for the support of the
12 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

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

16 (8) additional filing fee for filing documents not
17 subject to certain filing fees to fund the courthouse security
18 fund, if authorized by the county commissioners court (Sec.
19 291.008, Local Government Code) . . . \$1;

20 (9) additional filing fee to fund the courthouse
21 security fund in Webb County, if authorized by the county
22 commissioners court (Sec. 291.009, Local Government Code) . . . not
23 to exceed \$20; and

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

1 (b) Section 101.083, Government Code, is repealed.

2 SECTION 12. Section 101.1013, Government Code, is amended
3 to conform to the amendments made to Section 101.101, Government
4 Code, by Chapter 399 (S.B. 819), Acts of the 80th Legislature,
5 Regular Session, 2007, and is further amended to read as follows:

6 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
7 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
8 collect fees and costs under the Local Government Code as follows:

9 (1) additional filing fee for filing any civil action
10 or proceeding requiring a filing fee, including an appeal, and on
11 the filing of any counterclaim, cross-action, intervention,
12 interpleader, or third-party action requiring a filing fee to fund
13 civil legal services for the indigent (Sec. 133.153, Local
14 Government Code). . . \$10 [~~\$5~~];

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

18 (3) probate court actions (Sec. 118.052, Local
19 Government Code):

20 (A) probate original action (Secs. 118.052 and
21 118.055, Local Government Code):

22 (i) probate of a will with independent
23 executor, administration with will attached, administration of an
24 estate, guardianship or receivership of an estate, or muniment of
25 title (Sec. 118.052, Local Government Code) . . . \$40;

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

- 1 (iii) small estates (Sec. 118.052, Local
2 Government Code) . . . \$40;
- 3 (iv) declarations of heirship (Sec.
4 118.052, Local Government Code) . . . \$40;
- 5 (v) mental health or chemical dependency
6 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 7 (vi) additional, special fee (Secs. 118.052
8 and 118.064, Local Government Code) . . . \$5;
- 9 (B) services in pending probate action (Secs.
10 118.052 and 118.056, Local Government Code):
- 11 (i) filing an inventory and appraisalment
12 ~~(Secs. [after the 120th day after the date of the initial filing of~~
13 ~~the action (Sec.)~~ 118.052 and 118.056(d), Local Government Code)
14 . . . \$25;
- 15 (ii) approving and recording bond (Sec.
16 118.052, Local Government Code) . . . \$3;
- 17 (iii) administering oath (Sec. 118.052,
18 Local Government Code) . . . \$2;
- 19 (iv) filing annual or final account of
20 estate (Sec. 118.052, Local Government Code). . . \$25;
- 21 (v) filing application for sale of real or
22 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 23 (vi) filing annual or final report of
24 guardian of a person (Sec. 118.052, Local Government Code) . . .
25 \$10; and
- 26 (vii) filing a document not listed under
27 this paragraph after the filing of an order approving the inventory

1 and appraisement or after the 120th day after the date of the
2 initial filing of the action, whichever occurs first (Secs. 118.052
3 and 191.007, Local Government Code), if more than 25 pages . . .
4 \$25;

5 (C) adverse probate action (Secs. 118.052 and
6 118.057, Local Government Code) . . . \$40; and

7 (D) claim against estate (Secs. 118.052 and
8 118.058, Local Government Code) . . . \$2;

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

10 (A) issuing document (Secs. 118.052 and 118.059,
11 Local Government Code):

12 (i) original document and one copy (Sec.
13 118.052, Local Government Code) . . . \$4; and

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

16 (B) certified papers (Secs. 118.052 and 118.060,
17 Local Government Code):

18 (i) for the clerk's certificate (Sec.
19 118.052, Local Government Code) . . . \$5; and

20 (ii) a fee per page or part of a page (Sec.
21 118.052, Local Government Code) . . . \$1;

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

25 (D) letters testamentary, letter of
26 guardianship, letter of administration, or abstract of judgment
27 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

1 (E) safekeeping of wills (Secs. 118.052 and
2 118.062, Local Government Code) . . . \$5;

3 (F) mail service of process (Secs. 118.052 and
4 118.063, Local Government Code) . . . same as sheriff; and

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

7 (5) 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 SECTION 13. Subchapter G, Chapter 101, Government Code, is
12 amended by adding Section 101.12124 to read as follows:

13 Sec. 101.12124. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
14 CODE. The clerk of a county court shall collect an additional
15 filing fee not to exceed \$10 under Section 51.708, Government Code,
16 in certain civil cases to fund the preservation of court records.

17 SECTION 14. (a) Section 101.1214, Government Code, is
18 amended to conform to the amendments made to Section 101.121,
19 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
20 Legislature, Regular Session, 2007, and to conform to the
21 amendments made to Section 101.123, Government Code, by Chapter
22 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
23 2007, and is further amended to read as follows:

24 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
25 GOVERNMENT CODE. The clerk of a county court shall collect the
26 following fees and costs under the Local Government Code:

27 (1) additional filing fee to fund contingency fund for

1 liability insurance, if authorized by the county commissioners
2 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3 (2) civil court actions (Sec. 118.052, Local
4 Government Code):

5 (A) filing of original action (Secs. 118.052 and
6 118.053, Local Government Code):

7 (i) garnishment after judgment (Sec.
8 118.052, Local Government Code) . . . \$15; and

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

11 (B) filing of action other than original (Secs.
12 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

19 (3) probate court actions (Sec. 118.052, Local
20 Government Code):

21 (A) probate original action (Secs. 118.052 and
22 118.055, Local Government Code):

23 (i) probate of a will with independent
24 executor, administration with will attached, administration of an
25 estate, guardianship or receivership of an estate, or muniment of
26 title (Sec. 118.052, Local Government Code) . . . \$40;

27 (ii) community survivors (Sec. 118.052,

- 1 Local Government Code) . . . \$40;
- 2 (iii) small estates (Sec. 118.052, Local
3 Government Code) . . . \$40;
- 4 (iv) declarations of heirship (Sec.
5 118.052, Local Government Code) . . . \$40;
- 6 (v) mental health or chemical dependency
7 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 8 (vi) additional, special fee (Secs. 118.052
9 and 118.064, Local Government Code) . . . \$5;
- 10 (B) services in pending probate action (Secs.
11 118.052 and 118.056, Local Government Code):
- 12 (i) filing an inventory and appraisalment
13 ~~(Secs. [after the 120th day after the date of the initial filing of~~
14 ~~the action (Sec.)~~ 118.052 and 118.056(d), Local Government Code)
15 . . . \$25;
- 16 (ii) approving and recording bond (Sec.
17 118.052, Local Government Code) . . . \$3;
- 18 (iii) administering oath (Sec. 118.052,
19 Local Government Code) . . . \$2;
- 20 (iv) filing annual or final account of
21 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 22 (v) filing application for sale of real or
23 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 24 (vi) filing annual or final report of
25 guardian of a person (Sec. 118.052, Local Government Code) . . .
26 \$10; and
- 27 (vii) filing a document not listed under

1 this paragraph after the filing of an order approving the inventory
2 and appraisement or after the 120th day after the date of the
3 initial filing of the action, whichever occurs first (Secs. 118.052
4 and 191.007, Local Government Code), if more than 25 pages . . .
5 \$25;

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

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

10 (4) other fees (Sec. 118.052, Local Government Code):

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

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

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

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

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

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

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

26 (D) letters testamentary, letter of
27 guardianship, letter of administration, or abstract of judgment

1 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

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

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

6 (G) records management and preservation fee
7 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
8 . . . \$5;

9 (5) deposit on filing petition requesting permission
10 to create a municipal civic center authority (Sec. 281.013, Local
11 Government Code) . . . \$200;

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

15 (7) additional filing fee for filing documents not
16 subject to certain filing fees to fund the courthouse security
17 fund, if authorized by the county commissioners court (Sec.
18 291.008, Local Government Code) . . . \$1;

19 (8) additional filing fee to fund the courthouse
20 security fund in Webb County, if authorized by the county
21 commissioners court (Sec. 291.009, Local Government Code) . . . not
22 to exceed \$20;

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

27 (10) additional filing fee for filing any civil action

1 or proceeding requiring a filing fee, including an appeal, and on
2 the filing of any counterclaim, cross-action, intervention,
3 interpleader, or third-party action requiring a filing fee, to fund
4 civil legal services for the indigent (Sec. 133.153, Local
5 Government Code) . . . \$10 [~~\$5~~]; and

6 (11) on the filing of a civil suit an additional filing
7 fee to be used for court-related purposes for the support of the
8 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

9 (b) Section 101.123, Government Code, is repealed.

10 SECTION 15. Section 101.141(b), Government Code, as amended
11 by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
12 Session, 2007, is amended to conform to the amendments made to
13 Section 101.141(a), Government Code, by Chapter 1046 (H.B. 2094),
14 Acts of the 80th Legislature, Regular Session, 2007, and is further
15 amended to read as follows:

16 (b) A clerk of a justice court shall collect fees and costs
17 under other laws as follows:

18 (1) the cost of a special program that a court may
19 order a child to attend after a finding that the child committed an
20 offense, if ordered by the court (Art. 45.057, Code of Criminal
21 Procedure) . . . costs of the program not to exceed \$100;

22 (2) additional filing fees:

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

25 (B) for filing any civil action or proceeding
26 requiring a filing fee, including an appeal, and on the filing of
27 any counterclaim, cross-action, intervention, interpleader, or

1 third-party action requiring a filing fee, to fund civil legal
2 services for the indigent (Sec. 133.153, Local Government Code)
3 . . . \$6 [~~\$2~~];

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

6 (4) fee for hearing on probable cause for removal of a
7 vehicle and placement in a storage facility if assessed by the court
8 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
9 \$20.

10 SECTION 16. (a) Section 102.041, Government Code, as
11 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
12 Regular Session, 2007, is amended to conform to the amendments made
13 by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
14 Session, 2007, to Section 102.041, Government Code, and is further
15 amended to read as follows:

16 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
17 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district
18 court shall collect fees and costs under the Code of Criminal
19 Procedure on conviction of a defendant as follows:

20 (1) a jury fee (Art. 102.004, Code of Criminal
21 Procedure) . . . \$20;

22 (2) a fee for clerk of the court services (Art.
23 102.005, Code of Criminal Procedure) . . . \$40;

24 (3) a records management and preservation services fee
25 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

26 (4) a county and district court technology fee (Art.
27 102.0169, Code of Criminal Procedure) . . . \$4;

1 (5) a security fee on a felony offense (Art. 102.017,
2 Code of Criminal Procedure) . . . \$5;

3 (6) [~~(5)~~] a security fee on a misdemeanor offense
4 (Art. 102.017, Code of Criminal Procedure) . . . \$3; and

5 (7) [~~(6)~~] a juvenile delinquency prevention and
6 graffiti eradication fee (Art. 102.0171, Code of Criminal
7 Procedure) . . . \$50 [~~\$5~~].

8 (b) Section 102.041, Government Code, as amended by Chapter
9 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
10 2007, is repealed. Section 102.041, Government Code, as amended by
11 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
12 Session, 2007, to reorganize and renumber that section, continues
13 in effect as further amended by this section.

14 SECTION 17. (a) Section 102.061, Government Code, as
15 reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th
16 Legislature, Regular Session, 2007, is amended to conform to the
17 amendments made to Section 102.061, Government Code, by Chapter
18 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
19 2007, and is further amended to read as follows:

20 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
21 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
22 statutory county court shall collect fees and costs under the Code
23 of Criminal Procedure on conviction of a defendant as follows:

24 (1) a jury fee (Art. 102.004, Code of Criminal
25 Procedure) . . . \$20;

26 (2) a fee for services of the clerk of the court (Art.
27 102.005, Code of Criminal Procedure) . . . \$40;

1 (3) a records management and preservation services fee
2 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

3 (4) a county and district court technology fee (Art.
4 102.0169, Code of Criminal Procedure) . . . \$4;

5 (5) a security fee on a misdemeanor offense (Art.
6 102.017, Code of Criminal Procedure) . . . \$3;

7 (6) [~~5~~] a juvenile delinquency prevention and
8 graffiti eradication fee (Art. 102.0171, Code of Criminal
9 Procedure) . . . \$50 [~~5~~]; and

10 (7) [~~6~~] a juvenile case manager fee (Art. 102.0174,
11 Code of Criminal Procedure) . . . not to exceed \$5.

12 (b) Section 102.061, Government Code, as amended by Chapter
13 1053, Acts of the 80th Legislature, Regular Session, 2007, is
14 repealed. Section 102.061, Government Code, as reenacted and
15 amended by Chapter 921, Acts of the 80th Legislature, Regular
16 Session, 2007, to reorganize and renumber that section, continues
17 in effect as further amended by this section.

18 SECTION 18. (a) Section 102.081, Government Code, as
19 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
20 Regular Session, 2007, is amended to conform to the amendments made
21 to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),
22 Acts of the 80th Legislature, Regular Session, 2007, and is further
23 amended to read as follows:

24 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
25 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
26 court shall collect fees and costs under the Code of Criminal
27 Procedure on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) . . . \$20;

3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) . . . \$40;

5 (3) a records management and preservation services fee
6 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

7 (4) a county and district court technology fee (Art.
8 102.0169, Code of Criminal Procedure) . . . \$4;

9 (5) a security fee on a misdemeanor offense (Art.
10 102.017, Code of Criminal Procedure) . . . \$3;

11 (6) [~~(5)~~] a juvenile delinquency prevention and
12 graffiti eradication fee (Art. 102.0171, Code of Criminal
13 Procedure) . . . \$50 [~~\$5~~]; and

14 (7) [~~(6)~~] a juvenile case manager fee (Art. 102.0174,
15 Code of Criminal Procedure) . . . not to exceed \$5.

16 (b) Section 102.081, Government Code, as amended by Chapter
17 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
18 2007, is repealed. Section 102.081, Government Code, as amended by
19 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
20 Session, 2007, to reorganize and renumber that section, continues
21 in effect as further amended by this section.

22 SECTION 19. The change in law made by this Act in adding
23 Sections 25.0020 and 26.010, Government Code, applies only to an
24 eviction suit filed on or after the effective date of this Act. A
25 suit filed before the effective date of this Act is governed by the
26 law in effect immediately before that date, and that law is
27 continued in effect for that purpose.

1 SECTION 20. The change in law made by this Act applies only
2 to a cost on conviction for an offense committed on or after the
3 effective date of this Act. A cost on conviction for an offense
4 committed before the effective date of this Act is covered by the
5 law in effect when the offense was committed, and the former law is
6 continued in effect for that purpose. For purposes of this section,
7 an offense was committed before the effective date of this Act if
8 any element of the offense occurred before that date.

9 SECTION 21. The changes in law made by this Act apply only
10 to a fee that becomes payable on or after the effective date of this
11 Act. A fee that becomes payable before the effective date of this
12 Act is governed by the law in effect when the fee became payable,
13 and the former law is continued in effect for that purpose.

14 SECTION 22. This Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

Amy Dew
Secretary of the Senate

By: Wentworth

H.B. No. 3637

Substitute the following for H.B. No. 3637:

By: Wentworth

C.S. H.B. No. 3637

A BILL TO BE ENTITLED

1 AN ACT

2 relating to filing fees for civil actions or proceedings in a
3 district, county, justice, or small claims court.

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

5 SECTION 1. Subsection (a), Section 133.152, Local
6 Government Code, is amended to read as follows:

7 (a) In addition to other fees collected under Section
8 133.151(a) or otherwise authorized or required by law, the clerk of
9 a district court shall collect the following fees on the filing of
10 any civil action or proceeding requiring a filing fee, including an
11 appeal, and on the filing of any counterclaim, cross-action,
12 intervention, interpleader, or third-party action requiring a
13 filing fee:

14 (1) \$5 in family law cases and proceedings as defined
15 by Section 25.0002, Government Code; and

16 (2) \$10 in any case other than a case described by
17 Subdivision (1).

18 SECTION 2. Subsection (a), Section 133.153, Local
19 Government Code, is amended to read as follows:

20 (a) In addition to other fees authorized or required by law,
21 the clerk of a court other than a district court, the courts of
22 appeals, or the supreme court shall collect the following fees on
23 the filing of any civil action or proceeding requiring a filing fee,
24 including an appeal, and on the filing of any counterclaim,

1 cross-action, intervention, interpleader, or third-party action
2 requiring a filing fee:

3 (1) \$10 [~~\$5~~] for statutory and constitutional county
4 courts; and

5 (2) \$6 [~~\$2~~] for justice of the peace courts.

6 SECTION 3. (a) Section 101.0814, Government Code, is
7 amended to conform to the amendments made to Section 101.081,
8 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
9 Legislature, Regular Session, 2007, and to conform to the
10 amendments made to Section 101.083, Government Code, by Chapter
11 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
12 2007, and is further amended to read as follows:

13 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL
14 GOVERNMENT CODE. The clerk of a statutory county court shall
15 collect fees and costs under the Local Government Code as follows:

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

19 (2) civil court actions (Sec. 118.052, Local
20 Government Code):

21 (A) filing of original action (Secs. 118.052 and
22 118.053, Local Government Code):

23 (i) garnishment after judgment (Sec.
24 118.052, Local Government Code) . . . \$15; and

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

27 (B) filing of action other than original (Secs.

1 118.052 and 118.054, Local Government Code) . . . \$30; and
2 (C) services rendered after judgment in original
3 action (Secs. 118.052 and 118.0545, Local Government Code):
4 (i) abstract of judgment (Sec. 118.052,
5 Local Government Code) . . . \$5; and
6 (ii) execution, order of sale, writ, or
7 other process (Sec. 118.052, Local Government Code) . . . \$5;
8 (3) probate court actions (Sec. 118.052, Local
9 Government Code):
10 (A) probate original action (Secs. 118.052 and
11 118.055, Local Government Code):
12 (i) probate of a will with independent
13 executor, administration with will attached, administration of an
14 estate, guardianship or receivership of an estate, or muniment of
15 title (Sec. 118.052, Local Government Code) . . . \$40;
16 (ii) community survivors (Sec. 118.052,
17 Local Government Code) . . . \$40;
18 (iii) small estates (Sec. 118.052, Local
19 Government Code) . . . \$40;
20 (iv) declarations of heirship (Sec.
21 118.052, Local Government Code) . . . \$40;
22 (v) mental health or chemical dependency
23 services (Sec. 118.052, Local Government Code) . . . \$40; and
24 (vi) additional, special fee (Secs. 118.052
25 and 118.064, Local Government Code) . . . \$5;
26 (B) services in pending probate action (Secs.
27 118.052 and 118.056, Local Government Code):

1 (i) filing an inventory and appraisement
2 ~~(Secs. [after the 120th day after the date of the initial filing of~~
3 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
4 . . . \$25;

5 (ii) approving and recording bond (Sec.
6 118.052, Local Government Code) . . . \$3;

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

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

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

13 (vi) filing annual or final report of
14 guardian of a person (Sec. 118.052, Local Government Code) . . .
15 \$10; and

16 (vii) filing a document not listed under
17 this paragraph after the filing of an order approving the inventory
18 and appraisement or after the 120th day after the date of the
19 initial filing of the action, whichever occurs first (Secs. 118.052
20 and 191.007, Local Government Code), if more than 25 pages . . .
21 \$25;

22 (C) adverse probate action (Secs. 118.052 and
23 118.057, Local Government Code) . . . \$40; and

24 (D) claim against estate (Secs. 118.052 and
25 118.058, Local Government Code) . . . \$2;

26 (4) other fees (Sec. 118.052, Local Government Code):
27 (A) issuing document (Secs. 118.052 and 118.059,

1 Local Government Code):

2 (i) original document and one copy (Sec.
3 118.052, Local Government Code) . . . \$4; and

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

6 (B) certified papers (Secs. 118.052 and 118.060,
7 Local Government Code):

8 (i) for the clerk's certificate (Sec.
9 118.052, Local Government Code) . . . \$5; and

10 (ii) a fee per page or part of a page (Sec.
11 118.052, Local Government Code) . . . \$1;

12 (C) noncertified papers, for each page or part of
13 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
14 \$1;

15 (D) letters testamentary, letter of
16 guardianship, letter of administration, or abstract of judgment
17 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

18 (E) safekeeping of wills (Secs. 118.052 and
19 118.062, Local Government Code) . . . \$5;

20 (F) mail service of process (Secs. 118.052 and
21 118.063, Local Government Code) . . . same as sheriff; and

22 (G) records management and preservation fee
23 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
24 . . . \$5;

25 (5) additional filing fee for filing any civil action
26 or proceeding requiring a filing fee, including an appeal, and on
27 the filing of any counterclaim, cross-action, intervention,

1 interpleader, or third-party action requiring a filing fee, to fund
2 civil legal services for the indigent (Sec. 133.153, Local
3 Government Code) . . . \$10 [~~\$5~~];

4 (6) on the filing of a civil suit, an additional filing
5 fee to be used for court-related purposes for the support of the
6 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

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

10 (8) additional filing fee for filing documents not
11 subject to certain filing fees to fund the courthouse security
12 fund, if authorized by the county commissioners court (Sec.
13 291.008, Local Government Code) . . . \$1;

14 (9) additional filing fee to fund the courthouse
15 security fund in Webb County, if authorized by the county
16 commissioners court (Sec. 291.009, Local Government Code) . . . not
17 to exceed \$20; and

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

22 (b) Section 101.083, Government Code, is repealed.

23 SECTION 4. Section 101.1013, Government Code, is amended to
24 conform to the amendments made to Section 101.101, Government Code,
25 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
26 Session, 2007, and is further amended to read as follows:

27 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:

1 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
2 collect fees and costs under the Local Government Code as follows:

3 (1) additional filing fee for filing any civil action
4 or proceeding requiring a filing fee, including an appeal, and on
5 the filing of any counterclaim, cross-action, intervention,
6 interpleader, or third-party action requiring a filing fee to fund
7 civil legal services for the indigent (Sec. 133.153, Local
8 Government Code). . . \$10 [~~\$5~~];

9 (2) additional filing fee to fund contingency fund for
10 liability insurance, if authorized by the county commissioners
11 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

12 (3) probate court actions (Sec. 118.052, Local
13 Government Code):

14 (A) probate original action (Secs. 118.052 and
15 118.055, Local Government Code):

16 (i) probate of a will with independent
17 executor, administration with will attached, administration of an
18 estate, guardianship or receivership of an estate, or muniment of
19 title (Sec. 118.052, Local Government Code) . . . \$40;

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

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

24 (iv) declarations of heirship (Sec.
25 118.052, Local Government Code) . . . \$40;

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

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

3 (B) services in pending probate action (Secs.
4 118.052 and 118.056, Local Government Code):

5 (i) filing an inventory and appraisement
6 ~~(Secs. [after the 120th day after the date of the initial filing of~~
7 ~~the action (Sec.)~~ 118.052 and 118.056(d), Local Government Code) ^R
8 . . . \$25;

9 (ii) approving and recording bond (Sec.
10 118.052, Local Government Code) . . . \$3;

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

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

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

17 (vi) filing annual or final report of
18 guardian of a person (Sec. 118.052, Local Government Code) . . .
19 \$10; and

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

26 (C) adverse probate action (Secs. 118.052 and
27 118.057, Local Government Code) . . . \$40; and

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

3 (4) other fees (Sec. 118.052, Local Government Code):

4 (A) issuing document (Secs. 118.052 and 118.059,
5 Local Government Code):

6 (i) original document and one copy (Sec.
7 118.052, Local Government Code) . . . \$4; and

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

10 (B) certified papers (Secs. 118.052 and 118.060,
11 Local Government Code):

12 (i) for the clerk's certificate (Sec.
13 118.052, Local Government Code) . . . \$5; and

14 (ii) a fee per page or part of a page (Sec.
15 118.052, Local Government Code) . . . \$1;

16 (C) noncertified papers, for each page or part of
17 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
18 \$1;

19 (D) letters testamentary, letter of
20 guardianship, letter of administration, or abstract of judgment
21 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

22 (E) safekeeping of wills (Secs. 118.052 and
23 118.062, Local Government Code) . . . \$5;

24 (F) mail service of process (Secs. 118.052 and
25 118.063, Local Government Code) . . . same as sheriff; and

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

1 (5) court cost in civil cases other than suits for
2 delinquent taxes to fund the county law library fund, if authorized
3 by the county commissioners court (Sec. 323.023, Local Government
4 Code) . . . not to exceed \$35.

5 SECTION 5. (a) Section 101.1214, Government Code, is
6 amended to conform to the amendments made to Section 101.121,
7 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
8 Legislature, Regular Session, 2007, and to conform to the
9 amendments made to Section 101.123, Government Code, by Chapter
10 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
11 2007, and is further amended to read as follows:

12 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
13 GOVERNMENT CODE. The clerk of a county court shall collect the
14 following fees and costs under the Local Government Code:

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

18 (2) 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 (3) 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 appraisement

1 (Secs. [after the 120th day after the date of the initial filing of
2 the action (Sec.] 118.052 and 118.056(d), Local Government Code)
3 . . . \$25;

4 (ii) approving and recording bond (Sec.
5 118.052, Local Government Code) . . . \$3;

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

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

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

12 (vi) filing annual or final report of
13 guardian of a person (Sec. 118.052, Local Government Code) . . .
14 \$10; and

15 (vii) filing a document not listed under
16 this paragraph after the filing of an order approving the inventory
17 and appraisement or after the 120th day after the date of the
18 initial filing of the action, whichever occurs first (Secs. 118.052
19 and 191.007, Local Government Code), if more than 25 pages . . .
20 \$25;

21 (C) adverse probate action (Secs. 118.052 and
22 118.057, Local Government Code) . . . \$40; and

23 (D) claim against estate (Secs. 118.052 and
24 118.058, Local Government Code) . . . \$2;

25 (4) other fees (Sec. 118.052, Local Government Code):

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

1 (i) original document and one copy (Sec.
2 118.052, Local Government Code) . . . \$4; and
3 (ii) each additional set of an original and
4 one copy (Sec. 118.052, Local Government Code) . . . \$4;
5 (B) certified papers (Secs. 118.052 and 118.060,
6 Local Government Code):
7 (i) for the clerk's certificate (Sec.
8 118.052, Local Government Code) . . . \$5; and
9 (ii) a fee per page or part of a page (Sec.
10 118.052, Local Government Code) . . . \$1;
11 (C) noncertified papers, for each page or part of
12 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
13 \$1;
14 (D) letters testamentary, letter of
15 guardianship, letter of administration, or abstract of judgment
16 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
17 (E) safekeeping of wills (Secs. 118.052 and
18 118.062, Local Government Code) . . . \$5;
19 (F) mail service of process (Secs. 118.052 and
20 118.063, Local Government Code) . . . same as sheriff; and
21 (G) records management and preservation fee
22 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
23 . . . \$5;
24 (5) deposit on filing petition requesting permission
25 to create a municipal civic center authority (Sec. 281.013, Local
26 Government Code) . . . \$200;
27 (6) additional filing fee to fund the courthouse

1 security fund, if authorized by the county commissioners court
2 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

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

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

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

15 (10) additional filing fee for filing any civil action
16 or proceeding requiring a filing fee, including an appeal, and on
17 the filing of any counterclaim, cross-action, intervention,
18 interpleader, or third-party action requiring a filing fee, to fund
19 civil legal services for the indigent (Sec. 133.153, Local
20 Government Code) . . . \$10 [~~\$5~~]; and

21 (11) on the filing of a civil suit an additional filing
22 fee to be used for court-related purposes for the support of the
23 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

24 (b) Section 101.123, Government Code, is repealed.

25 SECTION 6. Subsection (b), Section 101.141, Government
26 Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th
27 Legislature, Regular Session, 2007, is amended to conform to the

1 amendments made to Subsection (a), Section 101.141, Government
2 Code, by Chapter 1046 (H.B. 2094), Acts of the 80th Legislature,
3 Regular Session, 2007, and is further amended to read as follows:

4 (b) A clerk of a justice court shall collect fees and costs
5 under other laws as follows:

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

10 (2) additional filing fees:

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

13 (B) for filing any civil action or proceeding
14 requiring a filing fee, including an appeal, and on the filing of
15 any counterclaim, cross-action, intervention, interpleader, or
16 third-party action requiring a filing fee, to fund civil legal
17 services for the indigent (Sec. 133.153, Local Government Code)
18 . . . \$6 [~~\$2~~];

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

21 (4) fee for hearing on probable cause for removal of a
22 vehicle and placement in a storage facility if assessed by the court
23 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
24 \$20.

25 SECTION 7. The changes in law made by this Act apply only to
26 a fee that becomes payable on or after the effective date of this
27 Act. A fee that becomes payable before the effective date of this

1 Act is governed by the law in effect when the fee became payable,
2 and the former law is continued in effect for that purpose.

3 SECTION 8. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3637 by Hughes (Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3637, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
2011	\$1,556,728	\$81,933
2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend numerous sections of the Local Government Code and the Government Code increasing the additional filing fees for the filing of any civil action or proceedings requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice or small claims court.

A county may retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee. This fee would increase from \$5 to \$10 for statutory and county courts. This fee would increase from \$2 to \$6 for justice courts.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

The effective date of this bill is September 1, 2009.

Methodology

The Office of Court Administration expects that the bill would result in an annual increase of \$1,556,728 to the State's basic civil legal services account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized - \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
- (2) x 65% collection rate = \$1,207,809
- (3) x 95% sent to State =
- (4) \$1,147,419.

The anticipated increase from the county-level courts is determined as follows:

- (1) 215,426 county-level court cases filed in FY 2008 x \$5 filing fee increase = \$1,077,130
- (2) x 40% collection rate = \$430,852
- (3) x 95% sent to State =
- (4) \$409,309

Local Government Impact

The revenue gain to each county would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

Source Agencies: 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, SZ, DB, MN, SD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3637 by Hughes (Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3637, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
2011	\$1,556,728	\$81,933
2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend numerous sections of the Local Government Code and the Government Code increasing the additional filing fees for the filing of any civil action or proceedings requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice or small claims court.

A county may retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee. This fee would increase from \$5 to \$10 for statutory and county courts. This fee would increase from \$2 to \$6 for justice courts.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

The effective date of this bill is September 1, 2009.

Methodology

The Office of Court Administration expects that the bill would result in an annual increase of \$1,556,728 to the State's basic civil legal services account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized - \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
- (2) x 65% collection rate = \$1,207,809
- (3) x 95% sent to State =
- (4) \$1,147,419.

The anticipated increase from the county-level courts is determined as follows:

- (1) 215,426 county-level court cases filed in FY 2008 x \$5 filing fee increase = \$1,077,130
- (2) x 40% collection rate = \$430,852
- (3) x 95% sent to State =
- (4) \$409,309

Local Government Impact

The revenue gain to each county would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

Source Agencies: 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, DB, MN, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3637 by Hughes (Relating to filing fees in civil actions and proceedings, to fees charged on conviction in certain courts, to the preservation of court records, to money paid into the registry of a court in certain counties, and to the appointment of counsel in certain suits.), As **Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3637, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
2011	\$1,556,728	\$81,933
2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend Subchapter A, Chapter 102, Code of Criminal Procedure by adding Article 102.0169 to authorize a \$4 county and district court technology fee as a cost of court for defendants convicted of a criminal offense in a county court, statutory county court, or a district court. Fees collected would be placed in a fund known as the county and district court technology fund. The funds would be for funding continuing education and training regarding technological enhancements for the courts. The funds could also be used for the purchase and maintenance of technological enhancements for county court, statutory county court, or a district court.

The bill would change the population criteria for applicability of Subchapter E, Chapter 117, Local Government Code.

The bill would amend Chapter 133, Local Government Code, to increase the additional filing fee of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice, or small claims court from \$5 to \$10 for statutory and county courts and from \$2 to \$6 for justice courts. A county would be authorized to retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee.

The bill would amend Chapters 25 and 26 of the Government Code to allow a county court or a county court at law in which an appeal of an eviction suit is filed to appoint counsel who is willing to provide pro bono services in the matter to attend to the cause of certain parties. The bill would allow appointed counsel to receive attorney's fees only if provided by contract, statute, common law, court rules, or other regulations. The county would not be responsible for payment of attorney's fees to appointed counsel. The court would be required to provide for a method of service of written notice on the parties to an eviction suit of the right to an appointment of counsel on perfection of appeal on approval of a pauper's affidavit. The proposed changes to Chapters 25 and 26 would apply only to an eviction suit filed on or after the effective date of the bill.

The bill would amend Chapters 51 and 101 of the Government Code to create an additional filing fee of not more than \$10 for each civil case filed in a county court, statutory county court, or district court. Such fees would be collected in the same manner as other court fees, fines or costs, and sent monthly to the county treasurer, or other official assigned the duties of the county treasurer, for deposit into a court record preservation account. This account would be administered by the county commissioners court and used only to digitize court records to preserve them from natural disasters.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

Proposed changes under the provisions of the bill would apply only to a cost of conviction committed on or after the effective date of the bill and only to a fee that becomes payable on or after the effective date of the bill. The effective date of the bill would be September 1, 2009.

Methodology

Only the proposed change to Chapter 133, Local Government Code, would have a fiscal impact on the state.

The Office of Court Administration (OCA) expects that the bill would result in an annual increase of \$1,556,728 to the state's Basic Civil Legal Services Account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized: \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
- (2) x 65% collection rate = \$1,207,809
- (3) x 95% sent to State =
- (4) \$1,147,419.

The anticipated increase from the county-level courts is determined as follows:

- (1) 215,426 county-level court cases filed in FY 2008 x \$5 filing fee increase = \$1,077,130
- (2) x 40% collection rate = \$430,852
- (3) x 95% sent to State =
- (4) \$409,309

Local Government Impact

Under the proposed change to Chapter 102, Code of Criminal Procedure, requiring every county to create a justice court technology fund and requiring that the \$4 fee be imposed on all defendants convicted of a misdemeanor offense in the justice court, the courts would realize a revenue gain. The amount of revenue generated would vary by county, although the amount would not be significant. According to OCA, in fiscal year 2008 there were 527,799 convictions statewide (including orders of deferred adjudication) reported in district and county-level courts. Assuming a collection rate of 40 percent, the amount of new local revenue for all counties would be \$844,478.

The bill also includes conforming language for legislation passed by the Eightieth Legislature, Regular Session, 2007 by amending the Code of Criminal Procedure and the Government Code renaming the graffiti eradication fee as the juvenile delinquency prevention and graffiti eradication fee. The juvenile delinquency prevention and graffiti eradication fee imposed on a convicted defendant would be revised from \$5 to \$50 to reflect changes made by legislation passed by the Eightieth Legislature. These conforming language changes do not have a fiscal impact on local governments.

Under current statute, Subchapter E of Chapter 117, Local Government Code, applies only to Harris County. Under the proposed change in population, based on the 2000 U.S. Census, the subchapter would also apply to Bexar, Dallas, and Tarrant counties. Subchapter E addresses special provisions applying to funds paid into the court registry and applies to the following kinds of money paid into the registry of any court for which a clerk is or may become responsible: (1) funds of minors or incapacitated persons; (2) funds tendered in connection with a bill in interpleader; or (3) any other funds. The commissioners court of the county collecting the funds may contract with one or more banks in the county for the deposit of the funds in a special account to be called the "registry fund."

The fiscal impact from the proposed change to Subchapter E would vary by county. Bexar County estimates a revenue gain of approximately \$26,000 for the first two fiscal years of implementation. However, the county assumes it would also incur a cost to hire an outside auditor for the accounts. The county assumes that cost to be at least \$25,000 per year.

The revenue gain to each county as a result of the proposed change to Chapter 133, Local Government Code, would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

No significant fiscal impact to units of local government is anticipated if a court were to appoint counsel as authorized under provisions of the bill that would amend Chapters 25 and 26, Government Code.

The proposed addition of a \$10 filing fee in each civil case filed, for use for court record preservation, under Chapters 51 and 101 of the Government Code, would provide a revenue gain to counties that would vary by county depending on number of cases filed. It is anticipated that the gain would be fully expended to digitize court records as required by provisions of the bill. Various counties provided estimates of anticipated revenue (only first year of implementation shown):

- Bexar County – \$465,000
- Dallas County – \$750,000
- Harris County – \$970,000
- Tarrant County – \$430,000
- Travis County – \$40,000
- Washington County – \$3,500
- Williamson County – \$23,780

Source Agencies: 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, MN, DB, JJO, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3637 by Hughes (Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3637, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
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2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend numerous sections of the Local Government Code and the Government Code increasing the additional filing fees for the filing of any civil action or proceedings requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice or small claims court.

A county may retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee. This fee would increase from \$5 to \$10 for statutory and county courts. This fee would increase from \$2 to \$6 for justice courts.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

The effective date of this bill is September 1, 2009.

Methodology

The Office of Court Administration expects that the bill would result in an annual increase of \$1,556,728 to the State's basic civil legal services account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized - \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
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The anticipated increase from the county-level courts is determined as follows:

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- (4) \$409,309

Local Government Impact

The revenue gain to each county would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

Source Agencies: 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, DB, MN, SD