

Amend Amendment No. 1 by Duncan to **SB 1** (senate committee printing) by adding the following appropriately numbered ARTICLE to the amendment and renumbering subsequent ARTICLES and SECTIONS of the amendment accordingly:

ARTICLE \_\_\_\_\_. FISCAL MATTERS REGARDING BASIC CIVIL LEGAL SERVICES, INDIGENT DEFENSE, AND JUDICIAL TECHNICAL SUPPORT

SECTION \_\_\_\_\_.01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.016 to read as follows:

Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. (a) The judicial access and improvement account is an account in the general revenue fund.

(b) Subject to Subsection (d), money in the judicial access and improvement account shall be appropriated only as provided by this section. The supreme court may use an amount determined by the supreme court, which annually may not exceed \$1 million, to phase in electronic filing and retrieval in courts in this state. The remainder of the money in the account shall be divided as follows:

(1) an amount equal to 70 percent of the remainder shall be deposited to the credit of the basic civil legal services account of the judicial fund established under Section 51.943 for use in programs approved by the supreme court that provide basic civil legal services to indigents; and

(2) an amount equal to 30 percent of the remainder shall be deposited to the credit of the fair defense account established under Section 71.058.

(c) The supreme court in consultation with the judicial committee on information technology may enter into an agreement with the Office of Court Administration of the Texas Judicial System to implement the electronic filing and retrieval in courts of this state authorized under Subsection (b), including acquiring the necessary technology, software, and data storage.

(d) The comptroller may retain two percent of the money remitted to the comptroller for deposit in the judicial access and improvement account. The comptroller shall use the money to audit and administer fund balances and to ensure the timely deposit of money in accounts as required by this section.

(e) Section 403.095 does not apply to money dedicated under

this section.

SECTION \_\_.02. Section 101.0615, Government Code, is amended to read as follows:

Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fees:

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

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

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

(B) on the filing 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:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.152, Local Government Code) . . . \$15 [~~\$5~~]; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.152, Local Government Code) . . . \$20 [~~\$10~~];

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

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

(4) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not

to exceed \$20;

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

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

SECTION \_\_.03. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1035 to read as follows:

Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION \_\_.04. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1215 to read as follows:

Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION \_\_.05. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0306 to read as follows:

Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any state fiscal biennium the legislature:

(1) does not appropriate any money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall notify each clerk of a justice or municipal court, as appropriate, not to assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court may not assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; or

(2) appropriates only a portion of the money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall:

(i) proportionally adjust the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(ii) notify each clerk of a justice or municipal court, as appropriate, of the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court shall assess the amount of the fees and court costs determined by the comptroller under Paragraph (A) during the state fiscal biennium.

SECTION \_\_.06. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

(2) the time payment fee imposed under Section 133.103;

(3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;

(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;

(5) costs on conviction imposed in certain county

courts under Section 51.703, Government Code, and deposited in the judicial fund;

(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;

(7) fines on conviction imposed under Section 621.506(g), Transportation Code;

(8) the fee imposed under Article 102.0045, Code of Criminal Procedure;

(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; ~~and~~

(10) the cost on conviction imposed under Section 133.107; and

(11) the cost on conviction imposed under Section 133.108.

SECTION \_\_.07. Section 133.058, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A municipality or county may retain five percent of the money collected as a fee under Section 133.108 to be used for judicial support.

SECTION \_\_.08. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.108 to read as follows:

Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT. (a) A person convicted in a municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to other costs, a fee of \$5 to be used to fund basic civil legal services and criminal defense for indigents and electronic filing in courts in this state through the judicial access and improvement account established under Section 22.016, Government Code.

(b) The treasurer shall remit the fees collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall credit the remitted fees to the credit of the judicial access and improvement account established under Section 22.016, Government Code.

SECTION \_\_.09. Section 133.152(a), Local Government Code, is amended to read as follows:

(a) In addition to other fees collected under Section 133.151(a) or otherwise authorized or required by law, the clerk of a district court shall collect the following fees on the filing 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:

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

(2) \$20 [~~\$10~~] in any case other than a case described by Subdivision (1).

SECTION \_\_.10. (a) Section 51.607, Government Code, does not apply to the imposition of a court cost or fee under this article.

(b) The changes in law made by this article apply to the costs imposed on or after October 1, 2011, for conviction of an offense that occurs on or after that date.

(c) For purposes of Subsection (b) of this section, an offense is committed before the date specified by that subsection if any element of the offense occurs before the specified date. Court costs imposed on conviction of an offense committed before that specified date are governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(d) Section 133.152(a), Local Government Code, as amended by this article, and Section 101.0615, Government Code, as amended by this article, apply only to a civil action or proceeding filed in a district court on or after the effective date of this article. A civil action or proceeding filed before that date is governed by the law in effect on the date the action or proceeding was filed, and the former law is continued in effect for that purpose.