

By: Madden

H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

1
2 relating to funding for basic civil legal services, indigent
3 defense, and judicial technical support through certain fees and
4 court costs and to the establishment of the judicial access and
5 improvement account.

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

7 SECTION 1. Subchapter A, Chapter 22, Government Code, is
8 amended by adding Section 22.016 to read as follows:

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

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

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

23 (2) an amount equal to 30 percent of the remainder
24 shall be deposited to the credit of the fair defense account

1 established under Section 71.058.

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

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

13 (e) Section 403.095 does not apply to money dedicated under
14 this section.

15 SECTION 2. Section 101.0615, Government Code, is amended to
16 read as follows:

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

20 (1) additional filing fees:

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

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

27 (ii) for any case other than a case

1 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
2 . . . \$50; and

3 (B) on the filing of any civil action or
4 proceeding requiring a filing fee, including an appeal, and on the
5 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:

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

11 (ii) for any case other than a case
12 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
13 . . . \$20 [~~\$10~~];

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

17 (3) additional filing fee for filing documents not
18 subject to certain filing fees to fund the courthouse security
19 fund, if authorized by the county commissioners court (Sec.
20 291.008, Local Government Code) . . . \$1;

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

25 (5) court cost in civil cases other than suits for
26 delinquent taxes to fund the county law library fund, if authorized
27 by the county commissioners court (Sec. 323.023, Local Government

1 Code) . . . not to exceed \$35; and

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

5 SECTION 3. Subchapter F, Chapter 102, Government Code, is
6 amended by adding Section 102.1035 to read as follows:

7 Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN
8 JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court
9 shall collect from a defendant a court cost of \$5 under Section
10 133.108, Local Government Code, on conviction of an offense, other
11 than an offense relating to a pedestrian or the parking of a motor
12 vehicle.

13 SECTION 4. Subchapter G, Chapter 102, Government Code, is
14 amended by adding Section 102.1215 to read as follows:

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

21 SECTION 5. Subchapter B, Chapter 403, Government Code, is
22 amended by adding Section 403.0306 to read as follows:

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

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

1 22.016:

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

7 (B) a clerk of a justice or municipal court may
8 not assess fees and court costs under Sections 102.1035 and
9 102.1215 of this code and Section 133.108, Local Government Code,
10 during the state fiscal biennium; or

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

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

16 (i) proportionally adjust the amount of the
17 fees and court costs to be assessed under Sections 102.1035 and
18 102.1215 of this code and Section 133.108, Local Government Code,
19 during the state fiscal biennium; and

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

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

1 SECTION 6. Section 133.003, Local Government Code, is
2 amended to read as follows:

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

5 (1) the consolidated fee imposed under Section
6 133.102;

7 (2) the time payment fee imposed under Section
8 133.103;

9 (3) fees for services of peace officers employed by
10 the state imposed under Article 102.011, Code of Criminal
11 Procedure, and forwarded to the comptroller as provided by Section
12 133.104;

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

16 (5) costs on conviction imposed in certain county
17 courts under Section 51.703, Government Code, and deposited in the
18 judicial fund;

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

22 (7) fines on conviction imposed under Section
23 621.506(g), Transportation Code;

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

26 (9) the cost on conviction imposed under Section
27 133.105 and deposited in the judicial fund; [~~and~~]

1 (10) the cost on conviction imposed under Section
2 133.107; and

3 (11) the cost on conviction imposed under Section
4 133.108.

5 SECTION 7. Section 133.058, Local Government Code, is
6 amended by adding Subsection (c-1) to read as follows:

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

10 SECTION 8. Subchapter C, Chapter 133, Local Government
11 Code, is amended by adding Section 133.108 to read as follows:

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

20 (b) The treasurer shall remit the fees collected under this
21 section to the comptroller in the manner provided by Subchapter B.
22 The comptroller shall credit the remitted fees to the credit of the
23 judicial access and improvement account established under Section
24 22.016, Government Code.

25 SECTION 9. Section 133.152(a), Local Government Code, is
26 amended to read as follows:

27 (a) In addition to other fees collected under Section

1 133.151(a) or otherwise authorized or required by law, the clerk of
2 a district court shall collect the following fees on the filing of
3 any civil action or proceeding requiring a filing fee, including an
4 appeal, and on the filing of any counterclaim, cross-action,
5 intervention, interpleader, or third-party action requiring a
6 filing fee:

7 (1) \$15 [~~\$5~~] in family law cases and proceedings as
8 defined by Section 25.0002, Government Code; and

9 (2) \$20 [~~\$10~~] in any case other than a case described
10 by Subdivision (1).

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

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

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

23 (d) Section 133.152(a), Local Government Code, as amended
24 by this Act, and Section 101.0615, Government Code, as amended by
25 this Act, apply only to a civil action or proceeding filed in a
26 district court on or after the effective date of this Act. A civil
27 action or proceeding filed before that date is governed by the law

1 in effect on the date the action or proceeding was filed, and the
2 former law is continued in effect for that purpose.

3 SECTION 11. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect on the 91st day after the last day of
8 the legislative session.