

BILL ANALYSIS

Senate Research Center
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S.B. 376
By: Wentworth
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state trial court jury fees in Texas have not been increased since 1997. This has resulted in the erosion of the purchasing value of each fee as it relates to the actual cost incurred by the county in making a jury trial available to litigants. Current jury fee amounts are inadequate to cover the actual cost of providing for a jury trial.

S.B. 376 amends Section 51.604(a) (relating to collection of jury fees), Government Code, to increase local jury fees for civil trials. For applications for a jury trial made to the district clerk, the fee would increase from \$30 to \$75, and for applications for a jury trial made to the clerk of a county court or statutory court, the fee would increase from \$22 to \$50.

In addition, this bill would impose a local jury fee of \$25 to be collected by the justice of the peace or clerk of a small claims or justice court for each civil case in which a person submits an application for a jury trial. Currently, the Government Code does not set a jury fee for Justice Courts. The fee is set by the Texas Rules of Civil Procedure. S.B. 376 codifies jury fees for justice courts in Section 51.604(a).

S.B. 376 would also make a number of nonsubstantive changes to Chapter 101 (Filing Fees and Other Fees and Costs in Civil Proceedings), Government Code, to catalog fee changes authorized by the 81st Legislature.

As proposed, S.B. 376 amends current law relating to a fee collected for a jury trial in a civil case.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.604(a), Government Code, as follows:

(a) Requires the district clerk to collect a \$75, rather than \$30, jury fee for each civil case in which a person applies for a jury trial. Requires the clerk of a county court or statutory county court shall collect a \$50, rather than \$22, jury fee for each civil case in which a person applies for a jury trial. Requires the justice of the peace or clerk of a justice court to collect a \$25 jury fee for each civil case before a justice or small claims court in which a person applies for a jury trial. Requires the clerk or justice of the peace, as applicable, to note the payment of the fee on the court's docket.

SECTION 2. (a) Amends Section 101.0611, Government Code, as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. Requires the clerk of a district court to collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A)-(E) Makes no changes to these paragraphs;

(E-1) Sixth Court of Appeals District (Sec. 22.2071 (Appellate Judicial System), Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081 (Appellate Judicial System), Government Code) . . . \$5;

(F)-(G) Makes no changes to these paragraphs;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131 (Appellate Judicial System), Government Code) . . . \$5; and

(H) Makes no changes to this paragraph;

(2) Makes no changes to this subdivision;

(3) additional filing fees:

(A)-(B) Makes no changes to these paragraphs;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706 (Additional Filing Fee for Civil Cases in Bexar County), Government Code) . . . not more than \$15;

(C) Makes no changes to this paragraph; and

(D) to fund the preservation of court records (Sec. 51.708 (Additional Filing Fee for Civil Cases in Certain Courts), Government Code) . . . not more than \$10;

(4)-(7) Makes no changes to these subdivisions;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5) (relating to fee for court records archiving), Government Code) . . . not more than \$5;

(8)-(16) Makes no changes to these subdivisions;

(17) jury fee (Sec. 51.604 (Jury Fee), Government Code) . . . \$75, rather than \$30; and

(18)-(20) Makes no changes to these subdivisions.

(b) Repealer: Section 101.06111 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.06113 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.06114 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.06115 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.06116 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.06117 (Additional District Court Fees: Government Code), Government Code.

SECTION 3. (a) Amends Section 101.0811, Government Code, to conform to Chapters 1072 (H.B. 4741) and 1103 (H.B. 4833), Acts of the 81st Legislature, Regular Session, 2009, and further amends it as follows:

Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. Requires the clerk of a statutory county court to collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees:

(A)-(E) Makes no changes to these paragraphs;

(E-1) Sixth Court of Appeals District (Sec. 22.2071 (Appellate Judicial System), Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081 (Appellate Judicial System), Government Code) . . . \$5;

(F)-(G) Makes no changes to these paragraphs;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131 (Appellate Judicial System), Government Code) . . . \$5; and

(H) Makes no changes to this paragraph;

(2)-(5) Makes no changes to these subdivisions;

(6) jury fee (Sec. 51.604, Government Code) . . . \$50, rather than \$22;

(7) an additional filing fee:

(A)-(B) Makes no changes to these paragraphs;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706 (Additional Filing Fee for Civil Cases in Bexar County), Government Code) . . . not more than \$15;

(C) Makes no changes to this paragraph; and

(D) to fund the preservation of court records (Sec. 51.708 (Additional Filing Fee for Civil Cases in Certain Courts), Government Code), Government Code) . . . not more than \$10;

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

(A) in Bexar County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172 (Bexar County Court at Law Provisions), Government Code) . . . taxed in the same manner as the fee is taxed in district court; Deletes existing text providing for an official court reporter's fee of \$3 in Bexar County Court at Law No. 2; Makes nonsubstantive changes; and

(B)-(C) Makes no changes to these paragraphs;

(9)-(11) Makes no changes to these subdivisions.

(b) Repealer: Section 101.08111 (Additional Statutory County Court Fees: Government Code), Government Code.

Repealer: Section 101.08112 (Additional Statutory County Court Fees: Government Code), Government Code.

Repealer: Section 101.08113 (Additional Statutory County Court Fees: Government Code), Government Code.

Repealer: Section 101.08114 (Additional Statutory County Court Fees: Government Code), Government Code.

Repealer: Section 101.08115 (Additional Statutory County Court Fees: Government Code), Government Code.

SECTION 4. (a) Amends Section 101.1011, Government Code, as follows:

Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS: GOVERNMENT CODE. Requires the clerk of a statutory probate court to collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A)-(E) Makes no changes to these paragraphs;

(E-1) Sixth Court of Appeals District (Sec. 22.2071 (Appellate Judicial System), Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081 (Appellate Judicial System), Government Code) . . . \$5;

(F)-(G) Makes no changes to these paragraphs;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131 (Appellate Judicial System), Government Code) . . . \$5; and

(H) Makes no changes to this paragraph;

(2) additional filing fees as follows:

(A)-(B) Makes no changes to these paragraphs;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706 (Additional Filing Fee for Civil Cases in Bexar County), Government Code) . . . not more than \$15; and

(C) Makes no changes to this paragraph;

(3) jury fee for civil case (Sec. 51.604, Government Code) . . . \$50, rather than \$22; and

(4)-(5) Makes no changes to these subdivisions.

(b) Repealer: Section 101.10111 (Additional Statutory Probate Court Fees: Government Code), Government Code.

Repealer: Section 101.10112 (Additional Statutory Probate Court Fees: Government Code), Government Code.

Repealer: Section 101.10113 (Additional Statutory Probate Court Fees: Government Code), Government Code.

Repealer: Section 101.10114 (Additional Statutory Probate Court Fees: Government Code), Government Code.

SECTION 5. (a) Amends Section 101.1212, Government Code, as follows:

Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. Requires the clerk of a county court to collect the following fees and costs under the Government Code:

(1) appellate judicial system filing fees:

(A)-(E) Makes no changes to these paragraphs;

(E-1) Sixth Court of Appeals District (Sec. 22.2071 (Appellate Judicial System), Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081 (Appellate Judicial System), Government Code) . . . \$5;

(F)-(G) Makes no changes to these paragraphs;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131 (Appellate Judicial System), Government Code) . . . \$5; and

(H) Makes no changes to this paragraph;

(2) a jury fee (Sec. 51.604, Government Code) . . . \$50, rather than \$22;

(3) Makes no changes to this subdivision; and

(4) a filing fee to fund the preservation of court records (Sec. 51.708, (Additional Filing Fee for Civil Cases in Certain Courts), Government Code) . . . not more than \$10.

(b) Repealer: Section 101.12121 (Additional County Court Fees: Government Code), Government Code.

Repealer: Section 101.12122 (Additional County Court Fees: Government Code), Government Code.

Repealer: Section 101.12123 (Additional County Court Fees: Government Code), Government Code.

Repealer: Section 101.12124 (Additional County Court Fees: Government Code), Government Code.

SECTION 6. Amends Subchapter H, Chapter 101, Government Code, by adding Section 101.1411, as follows:

Sec. 101.1411. ADDITIONAL JUSTICE COURT AND SMALL CLAIMS COURT FEES: GOVERNMENT CODE. Requires a justice of the peace or clerk of a justice court to collect a jury fee of \$25 under Section 51.604, Government Code.

SECTION 7. Makes application of Section 51.604, Government Code, as amended by this Act, prospective to January 1, 2012.

SECTION 8. Effective date: September 1, 2011.