

BILL ANALYSIS

S.B. 680
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During strained economic times for counties across the state, the use of online services provided by the district clerk reduces the cost of labor, decreases the workload on current staff during a time when counties are unable to hire, and provides an easier and less expensive method for customers to obtain certified copies.

The district clerk is responsible for collecting fees related to certified copies for court documents under Chapter 51 (Clerks), Government Code. Currently, the statute requires the clerk to charge \$1.00 per page for any certified copy obtained. There is no flexibility under current statute to charge less than \$1.00 per page for a certified copy even if the copy is obtained electronically.

S.B. 680 amends current law relating to a fee collected by a district clerk for certain certified copies

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 51.318(b), Government Code, to include among certain fees, a fee for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page, in a list of certain fees for services performed or requested, not to exceed \$1.

SECTION 2. (a) Amends Sections 101.0611, Government Code, to require the clerk of a district court to collect certain fees and costs under the Government Code, including appellate judicial system filing fees of \$5 each for the Sixth Court of Appeals District (Section 22.2071, Government Code), the Seventh Court of Appeals District (Section 22.2081, Government Code), and the Twelfth Court of Appeals District (Section 22.2131, Government Code); civil fees and court costs as if the case had been filed in district court when administering a case for the Rockwall County Court at Law (Section 25.2012, Government Code); certain additional filing fees, including fees to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Section 51.706, Government Code), not more than \$15, and to fund the preservation of court records (Section 51.708, Government Code), not more than \$10; for district court records archiving, if adopted by the county commissioners court (Section 51.317(b)(5), Government Code), not more than \$5; for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Section 51.318, Government Code), not to exceed \$1.

(b) Repealers: Sections 101.06111 (Additional District Court Fees: Government Code), 101.06113 (Additional District Court Fees: Government Code), 101.06114 (Additional District Court Fees: Government Code), 101.06115 (Additional District Court Fees: Government Code), 101.06116 (Additional District Court Fees: Government Code), and 101.06117 (Additional District Court Fees: Government Code), Government Code.

SECTION 3. Provides that Section 51.318(b), Government Code, as amended by this Act, applies only to a request for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, made on or after the effective date of this Act. Provides that a request made before the effective date of this Act is covered by the law in effect when the request was made, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

Upon passage or September 1, 2011.