

By: Hartnett

H.B. No. 2174

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

13 (b) Subject to Subsection (d), money in the judicial access  
14 and improvement account may be appropriated only as provided by  
15 this section. An amount determined by the supreme court, which may  
16 not exceed \$13 million, shall annually be appropriated to the  
17 supreme court to phase in electronic filing and retrieval in courts  
18 in this state. The supreme court may use up to \$1 million of the  
19 appropriated money to provide state law library services. The  
20 remainder of the money in the account shall be divided in equal  
21 amounts and deposited to the credit of:

22 (1) the basic civil legal services account of the  
23 judicial fund established under Section 51.943 for use in programs  
24 approved by the supreme court that provide basic civil legal

1 services to indigents; and

2 (2) the fair defense account established under Section  
3 71.058.

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

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

15 (e) Section 403.095 does not apply to money dedicated under  
16 this section.

17 SECTION 2. Subchapter F, Chapter 102, Government Code, is  
18 amended by adding Section 102.1035 to read as follows:

19 Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN  
20 JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court  
21 shall collect from a defendant a court cost of \$5 under Section  
22 133.108, Local Government Code, on conviction of an offense, other  
23 than an offense relating to a pedestrian or the parking of a motor  
24 vehicle.

25 SECTION 3. Subchapter G, Chapter 102, Government Code, is  
26 amended by adding Section 102.1215 to read as follows:

27 Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN

1 MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal  
2 court shall collect from a defendant a court cost of \$5 under  
3 Section 133.108, Local Government Code, on conviction of an  
4 offense, other than an offense relating to a pedestrian or the  
5 parking of a motor vehicle.

6 SECTION 4. Section 118.011, Local Government Code, is  
7 amended by adding Subsection (g) to read as follows:

8 (g) In addition to any other fee collected under this  
9 section, the county clerk of a county shall collect a document  
10 recording fee of \$4 at the time of the filing of a document in the  
11 records of the office of the clerk. The clerk shall send the fee to  
12 the comptroller for deposit as provided by Section 22.016,  
13 Government Code, except the clerk may retain five percent of the  
14 money collected as a fee under this subsection.

15 SECTION 5. Section 133.003, Local Government Code, is  
16 amended to read as follows:

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

19 (1) the consolidated fee imposed under Section  
20 133.102;

21 (2) the time payment fee imposed under Section  
22 133.103;

23 (3) fees for services of peace officers employed by  
24 the state imposed under Article 102.011, Code of Criminal  
25 Procedure, and forwarded to the comptroller as provided by Section  
26 133.104;

27 (4) costs on conviction imposed in certain statutory

1 county courts under Section 51.702, Government Code, and deposited  
2 in the judicial fund;

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

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

9 (7) fines on conviction imposed under Section  
10 621.506(g), Transportation Code;

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

13 (9) the cost on conviction imposed under Section  
14 133.105 and deposited in the judicial fund; ~~and~~

15 (10) the cost on conviction imposed under Section  
16 133.107; and

17 (11) the cost on conviction imposed under Section  
18 133.108.

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

21 (c-1) A municipality or county may retain five percent of  
22 the money collected as a fee under Section 133.108.

23 SECTION 7. Subchapter C, Chapter 133, Local Government  
24 Code, is amended by adding Section 133.108 to read as follows:

25 Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT. (a)

26 A person convicted in a municipal or justice court of an offense,  
27 other than an offense relating to a pedestrian or the parking of a

1 motor vehicle, shall pay as a court cost, in addition to other  
2 costs, a fee of \$5 to be used to fund basic civil legal services and  
3 criminal defense for indigents and electronic filing in courts in  
4 this state through the judicial access and improvement account  
5 established under Section 22.016, Government Code.

6 (b) The treasurer shall remit the fees collected under this  
7 section to the comptroller in the manner provided by Subchapter B.  
8 The comptroller shall credit the remitted fees to the credit of the  
9 judicial access and improvement account established under Section  
10 22.016, Government Code.

11 SECTION 8. Notwithstanding any other provision of this Act,  
12 if all the money in the judicial access and improvement account is  
13 not appropriated in any state fiscal biennium for the purposes  
14 provided by Section 22.016, Government Code, as added by this Act:

15 (1) the comptroller and the office of court  
16 administration shall notify each county clerk and each clerk of a  
17 justice or municipal court, as appropriate, not to assess fees and  
18 court costs under Sections 102.1035 and 102.1215, Government Code,  
19 as added by this Act, and Sections 118.011(g) and 133.108, Local  
20 Government Code, as added by this Act, during the state fiscal  
21 biennium; and

22 (2) a county clerk or clerk of a justice or municipal  
23 court may not assess fees and court costs under Sections 102.1035  
24 and 102.1215, Government Code, as added by this Act, and Sections  
25 118.011(g) and 133.108, Local Government Code, as added by this  
26 Act, during the state fiscal biennium.

27 SECTION 9. (a) Section 51.607, Government Code, does not

1 apply to the imposition of a court cost or fee under this Act.

2 (b) The change in law made by this Act applies only to:

3 (1) court costs imposed on conviction of an offense  
4 committed on or after:

5 (A) September 1, 2011, if this Act receives a  
6 vote of two-thirds of all members elected to each house as required  
7 for immediate effect; or

8 (B) January 1, 2012, if this Act takes effect  
9 September 1, 2011; and

10 (2) fees imposed for services rendered by a county  
11 clerk on or after September 1, 2011.

12 (c) For purposes of Subsection (b)(1) of this section, an  
13 offense is committed before the date specified in Subsection (b)(1)  
14 if any element of the offense occurs before that date. Court costs  
15 imposed on conviction of an offense committed before that date are  
16 governed by the law in effect on the date the offense was committed,  
17 and the former law is continued in effect for that purpose.

18 SECTION 10. This Act takes effect immediately if it  
19 receives a vote of two-thirds of all the members elected to each  
20 house, as provided by Section 39, Article III, Texas Constitution.  
21 If this Act does not receive the vote necessary for immediate  
22 effect, this Act takes effect September 1, 2011.