

By: Wentworth

S.B. No. 376

A BILL TO BE ENTITLED

AN ACT

relating to a fee collected for a jury trial in a civil case.

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

SECTION 1. Section 51.604(a), Government Code, is amended to read as follows:

(a) The district clerk shall collect a \$75 [~~\$30~~] jury fee for each civil case in which a person applies for a jury trial. The clerk of a county court or statutory county court shall collect a \$50 [~~\$22~~] jury fee for each civil case in which a person applies for a jury trial. The justice of the peace or clerk of a justice court shall 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. The clerk or justice of the peace, as applicable, shall note the payment of the fee on the court's docket.

SECTION 2. (a) Section 101.0611, Government Code, is amended to read as follows:

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

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;

1 (C) Third Court of Appeals District  
2 (Sec. 22.2041, Government Code) . . . \$5;

3 (D) Fourth Court of Appeals District  
4 (Sec. 22.2051, Government Code) . . . not more than \$5;

5 (E) Fifth Court of Appeals District  
6 (Sec. 22.2061, Government Code) . . . not more than \$5;

7 (E-1) Sixth Court of Appeals District (Sec.  
8 22.2071, Government Code) . . . \$5;

9 (E-2) Seventh Court of Appeals District (Sec.  
10 22.2081, Government Code) . . . \$5;

11 (F) Ninth Court of Appeals District  
12 (Sec. 22.2101, Government Code) . . . \$5;

13 (G) Eleventh Court of Appeals District  
14 (Sec. 22.2121, Government Code) . . . \$5;

15 (G-1) Twelfth Court of Appeals District (Sec.  
16 22.2131, Government Code) . . . \$5; and

17 (H) Thirteenth Court of Appeals District  
18 (Sec. 22.2141, Government Code) . . . not more than \$5;

19 (2) when administering a case for the Rockwall County  
20 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and  
21 court costs as if the case had been filed in district court;

22 (3) additional filing fees:

23 (A) for each suit filed for insurance contingency  
24 fund, if authorized by the county commissioners court (Sec. 51.302,  
25 Government Code) . . . not to exceed \$5;

26 (B) to fund the improvement of Dallas County  
27 civil court facilities, if authorized by the county commissioners

1 court (Sec. 51.705, Government Code) . . . not more than \$15;

2 (B-1) to fund the improvement of Bexar County  
3 court facilities, if authorized by the county commissioners court  
4 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

5 (C) to fund the improvement of Hays County court  
6 facilities, if authorized by the county commissioners court  
7 (Sec. 51.707, Government Code) . . . not more than \$15; and

8 (D) to fund the preservation of court records  
9 (Sec. 51.708, Government Code) . . . not more than \$10;

10 (4) for filing a suit, including an appeal from an  
11 inferior court:

12 (A) for a suit with 10 or fewer plaintiffs  
13 (Sec. 51.317, Government Code) . . . \$50;

14 (B) for a suit with at least 11 but not more than  
15 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

16 (C) for a suit with at least 26 but not more than  
17 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

18 (D) for a suit with at least 101 but not more than  
19 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

20 (E) for a suit with at least 501 but not more than  
21 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

22 (F) for a suit with more than 1,000 plaintiffs  
23 (Sec. 51.317, Government Code) . . . \$200;

24 (5) for filing a cross-action, counterclaim,  
25 intervention, contempt action, motion for new trial, or third-party  
26 petition (Sec. 51.317, Government Code) . . . \$15;

27 (6) for issuing a citation or other writ or process not

1 otherwise provided for, including one copy, when requested at the  
2 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
3 \$8;

4 (7) for records management and preservation  
5 (Sec. 51.317, Government Code) . . . \$10;

6 (7-a) for district court records archiving, if adopted  
7 by the county commissioners court (Sec. 51.317(b)(5), Government  
8 Code) . . . not more than \$5;

9 (8) for issuing a subpoena, including one copy  
10 (Sec. 51.318, Government Code) . . . \$8;

11 (9) for issuing a citation, commission for deposition,  
12 writ of execution, order of sale, writ of execution and order of  
13 sale, writ of injunction, writ of garnishment, writ of attachment,  
14 or writ of sequestration not provided for in Section 51.317, or any  
15 other writ or process not otherwise provided for, including one  
16 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

17 (10) for searching files or records to locate a cause  
18 when the docket number is not provided (Sec. 51.318, Government  
19 Code) . . . \$5;

20 (11) for searching files or records to ascertain the  
21 existence of an instrument or record in the district clerk's office  
22 (Sec. 51.318, Government Code) . . . \$5;

23 (12) for abstracting a judgment (Sec. 51.318,  
24 Government Code) . . . \$8;

25 (13) for approving a bond (Sec. 51.318, Government  
26 Code) . . . \$4;

27 (14) for a certified copy of a record, judgment,

1 order, pleading, or paper on file or of record in the district  
2 clerk's office, including certificate and seal, for each page or  
3 part of a page (Sec. 51.318, Government Code) . . . \$1;

4 (15) for a noncertified copy, for each page or part of  
5 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

6 (16) fee for performing a service:

7 (A) related to the matter of the estate of a  
8 deceased person (Sec. 51.319, Government Code) . . . the same fee  
9 allowed the county clerk for those services;

10 (B) related to the matter of a minor  
11 (Sec. 51.319, Government Code) . . . the same fee allowed the  
12 county clerk for the service;

13 (C) of serving process by certified or registered  
14 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
15 constable is authorized to charge for the service under Section  
16 118.131, Local Government Code; and

17 (D) prescribed or authorized by law but for which  
18 no fee is set (Sec. 51.319, Government Code) . . . a reasonable  
19 fee;

20 (17) jury fee (Sec. 51.604, Government Code) . . . \$75  
21 [~~\$30~~];

22 (18) additional filing fee for family protection on  
23 filing a suit for dissolution of a marriage under Chapter 6, Family  
24 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

25 (19) at a hearing held by an associate judge in Dallas  
26 County, a court cost to preserve the record, in the absence of a  
27 court reporter, by other means (Sec. 54.509, Government Code) . . .

1 as assessed by the referring court or associate judge; and

2 (20) at a hearing held by an associate judge in Duval  
3 County, a court cost to preserve the record (Sec. 54.1151,  
4 Government Code) . . . as imposed by the referring court or  
5 associate judge.

6 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,  
7 101.06116, and 101.06117, Government Code, are repealed.

8 SECTION 3. (a) Section 101.0811, Government Code, is  
9 amended to conform to Chapters 1072 (H.B. 4741) and 1103 (H.B.  
10 4833), Acts of the 81st Legislature, Regular Session, 2009, and is  
11 further amended to read as follows:

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

15 (1) appellate judicial system filing fees:

16 (A) First or Fourteenth Court of Appeals District  
17 (Sec. 22.2021, Government Code) . . . not more than \$5;

18 (B) Second Court of Appeals District  
19 (Sec. 22.2031, Government Code) . . . not more than \$5;

20 (C) Third Court of Appeals District  
21 (Sec. 22.2041, Government Code) . . . \$5;

22 (D) Fourth Court of Appeals District  
23 (Sec. 22.2051, Government Code) . . . not more than \$5;

24 (E) Fifth Court of Appeals District  
25 (Sec. 22.2061, Government Code) . . . not more than \$5;

26 (E-1) Sixth Court of Appeals District (Sec.  
27 22.2071, Government Code) . . . \$5;

1                    (E-2) Seventh Court of Appeals District (Sec.  
2 22.2081, Government Code) . . . \$5;  
3                    (F) Ninth Court of Appeals District  
4 (Sec. 22.2101, Government Code) . . . \$5;  
5                    (G) Eleventh Court of Appeals District  
6 (Sec. 22.2121, Government Code) . . . \$5;  
7                    (G-1) Twelfth Court of Appeals District (Sec.  
8 22.2131, Government Code) . . . \$5; and  
9                    (H) Thirteenth Court of Appeals District  
10 (Sec. 22.2141, Government Code) . . . not more than \$5;  
11                    (2) an official court reporter fee, County Court at  
12 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;  
13                    (3) in Brazoria County, in matters of concurrent  
14 jurisdiction with the district court, fees (Sec. 25.0222,  
15 Government Code) . . . as prescribed by law for district judges  
16 according to the nature of the matter;  
17                    (4) a court reporter fee when testimony is taken in a  
18 county court at law in McLennan County (Sec. 25.1572, Government  
19 Code) . . . \$3;  
20                    (5) a stenographer fee, if a record or part of a record  
21 is made:  
22                    (A) in a county court at law in Hidalgo County  
23 (Sec. 25.1102, Government Code) . . . \$20; and  
24                    (B) in a county court at law in Nolan County  
25 (Sec. 25.1792, Government Code) . . . \$25;  
26                    (6) jury fee (Sec. 51.604, Government Code) . . . \$50  
27 [~~\$22~~];

1 (7) an additional filing fee:

2 (A) for each civil case filed to be used for  
3 court-related purposes for the support of the judiciary  
4 (Sec. 51.702, Government Code) . . . \$40;

5 (B) to fund the improvement of Dallas County  
6 civil court facilities, if authorized by the county commissioners  
7 court (Sec. 51.705, Government Code) . . . not more than \$15;

8 (B-1) to fund the improvement of Bexar County  
9 court facilities, if authorized by the county commissioners court  
10 (Sec. 51.706, Government Code) . . . not more than \$15; [and]

11 (C) to fund the improvement of Hays County court  
12 facilities, if authorized by the county commissioners court  
13 (Sec. 51.707, Government Code) . . . not more than \$15; and

14 (D) to fund the preservation of court records  
15 (Sec. 51.708, Government Code) . . . not more than \$10;

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

18 (A) in Bexar County Courts at Law[+  
19 [~~(i)~~] Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, [~~and~~]  
20 12, 13, 14, and 15 (Sec. 25.0172, Government Code) . . . taxed in  
21 the same manner as the fee is taxed in district court; [~~and~~

22 [~~(ii) No. 2 (Sec. 25.0172, Government Code)~~  
23 ~~. . . \$3.]~~

24 (B) in Galveston County (Sec. 25.0862,  
25 Government Code) . . . taxed in the same manner as the fee is taxed  
26 in civil cases in the district courts; and

27 (C) in Parker County (Sec. 25.1862, Government



1 Code) . . . taxed in the same manner as the fee is taxed in civil  
2 cases in the district courts;

3 (9) a stenographer's fee as costs in each civil,  
4 criminal, and probate case in which a record is made by the official  
5 court reporter in a statutory county court in Nolan County  
6 (Sec. 25.1792, Government Code) . . . \$25;

7 (10) in Nueces County, in matters of concurrent  
8 jurisdiction with the district court, with certain exceptions, fees  
9 (Sec. 25.1802, Government Code) . . . equal to those in district  
10 court cases; and

11 (11) a fee not otherwise listed in this subchapter  
12 that is required to be collected under Section 25.0008, Government  
13 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,  
14 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,  
15 Victoria, and Williamson . . . as prescribed by law relating to  
16 county judges' fees.

17 (b) Sections 101.08111, 101.08112, 101.08113, 101.08114,  
18 and 101.08115, Government Code, are repealed.

19 SECTION 4. (a) Section 101.1011, Government Code, is  
20 amended to read as follows:

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

24 (1) appellate judicial system filing fees for:

25 (A) First or Fourteenth Court of Appeals District  
26 (Sec. 22.2021, Government Code) . . . not more than \$5;

27 (B) Second Court of Appeals District

1 (Sec. 22.2031, Government Code) . . . not more than \$5;  
2 (C) Third Court of Appeals District  
3 (Sec. 22.2041, Government Code) . . . \$5;  
4 (D) Fourth Court of Appeals District  
5 (Sec. 22.2051, Government Code) . . . not more than \$5;  
6 (E) Fifth Court of Appeals District  
7 (Sec. 22.2061, Government Code) . . . not more than \$5;  
8 (E-1) Sixth Court of Appeals District (Sec.  
9 22.2071, Government Code) . . . \$5;  
10 (E-2) Seventh Court of Appeals District (Sec.  
11 22.2081, Government Code) . . . \$5;  
12 (F) Ninth Court of Appeals District  
13 (Sec. 22.2101, Government Code) . . . \$5;  
14 (G) Eleventh Court of Appeals District  
15 (Sec. 22.2121, Government Code) . . . \$5;  
16 (G-1) Twelfth Court of Appeals District (Sec.  
17 22.2131, Government Code) . . . \$5; and  
18 (H) Thirteenth Court of Appeals District  
19 (Sec. 22.2141, Government Code) . . . not more than \$5;  
20 (2) additional filing fees as follows:  
21 (A) for certain cases to be used for  
22 court-related purposes for support of the judiciary (Sec. 51.704,  
23 Government Code) . . . \$40;  
24 (B) to fund the improvement of Dallas County  
25 civil court facilities, if authorized by the county commissioners  
26 court (Sec. 51.705, Government Code) . . . not more than \$15;  
27 (B-1) to fund the improvement of Bexar County

1 court facilities, if authorized by the county commissioners court  
2 (Sec. 51.706, Government Code) . . . not more than \$15; and

3 (C) to fund the improvement of Hays County court  
4 facilities, if authorized by the county commissioners court  
5 (Sec. 51.707, Government Code) . . . not more than \$15;

6 (3) jury fee for civil case (Sec. 51.604, Government  
7 Code) . . . \$50 [~~\$22~~];

8 (4) the expense of preserving the record as a court  
9 cost, if imposed on a party by the referring court or associate  
10 judge (Sec. 54.612, Government Code) . . . actual cost; and

11 (5) a fee not otherwise listed in this subchapter that  
12 is required to be collected under Section 25.0029, Government Code  
13 (Sec. 25.0029, Government Code) . . . as prescribed by law relating  
14 to county judges' fees.

15 (b) Sections 101.10111, 101.10112, 101.10113, and  
16 101.10114, Government Code, are repealed.

17 SECTION 5. (a) Section 101.1212, Government Code, is  
18 amended to read as follows:

19 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT  
20 CODE. The clerk of a county court shall collect the following fees  
21 and costs under the Government Code:

22 (1) appellate judicial system filing fees:

23 (A) First or Fourteenth Court of Appeals District  
24 (Sec. 22.2021, Government Code) . . . not more than \$5;

25 (B) Second Court of Appeals District  
26 (Sec. 22.2031, Government Code) . . . not more than \$5;

27 (C) Third Court of Appeals District

1 (Sec. 22.2041, Government Code) . . . \$5;  
2 (D) Fourth Court of Appeals District  
3 (Sec. 22.2051, Government Code) . . . not more than \$5;  
4 (E) Fifth Court of Appeals District  
5 (Sec. 22.2061, Government Code) . . . not more than \$5;  
6 (E-1) Sixth Court of Appeals District  
7 (Sec. 22.2071, Government Code) . . . \$5;  
8 (E-2) Seventh Court of Appeals District  
9 (Sec. 22.2081, Government Code) . . . \$5;  
10 (F) Ninth Court of Appeals District  
11 (Sec. 22.2101, Government Code) . . . \$5;  
12 (G) Eleventh Court of Appeals District  
13 (Sec. 22.2121, Government Code) . . . \$5;  
14 (G-1) Twelfth Court of Appeals District  
15 (Sec. 22.2131, Government Code) . . . \$5; and  
16 (H) Thirteenth Court of Appeals District  
17 (Sec. 22.2141, Government Code) . . . not more than \$5;  
18 (2) a jury fee (Sec. 51.604, Government Code) . . .  
19 \$50 [~~\$22~~]; [~~and~~]  
20 (3) a filing fee in each civil case filed to be used  
21 for court-related purposes for the support of the judiciary  
22 (Sec. 51.703, Government Code) . . . \$40; and  
23 (4) a filing fee to fund the preservation of court  
24 records (Sec. 51.708, Government Code) . . . not more than \$10.  
25 (b) Sections 101.12121, 101.12122, 101.12123, and  
26 101.12124, Government Code, are repealed.

27 SECTION 6. Subchapter H, Chapter 101, Government Code, is

1 amended by adding Section 101.1411 to read as follows:

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

6       SECTION 7. Section 51.604, Government Code, as amended by  
7 this Act, applies only to a jury fee for a civil case filed on or  
8 after January 1, 2012. A jury fee for a civil case filed before that  
9 date is governed by the law in effect on the date the case was filed,  
10 and the former law is continued in effect for that purpose.

11       SECTION 8. This Act takes effect September 1, 2011.