

1-1 By: Rodriguez, et al. S.B. No. 726
1-2 (In the Senate - Filed February 15, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Finance;
1-4 April 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 3; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 726 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment of the judicial access and
1-11 improvement account to provide funding for basic civil legal
1-12 services, indigent defense, and judicial technical support through
1-13 certain county service fees and court costs imposed to fund the
1-14 account.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Subchapter A, Chapter 22, Government Code, is
1-17 amended by adding Section 22.016 to read as follows:

1-18 Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT.

1-19 (a) The judicial access and improvement account is an account in
1-20 the general revenue fund.

1-21 (b) Subject to Subsection (d), money in the judicial access
1-22 and improvement account shall be appropriated only as provided by
1-23 this section. The supreme court may use an amount determined by the
1-24 supreme court, which annually may not exceed \$12 million, to phase
1-25 in electronic filing and retrieval in courts in this state. The
1-26 supreme court annually may use up to \$1 million of the appropriated
1-27 money to provide state law library services. The remainder of the
1-28 money in the account shall be divided as follows:

1-29 (1) an amount equal to 70 percent of the remainder
1-30 shall be deposited to the credit of the basic civil legal services
1-31 account of the judicial fund established under Section 51.943 for
1-32 use in programs approved by the supreme court that provide basic
1-33 civil legal services to indigents; and

1-34 (2) an amount equal to 30 percent of the remainder
1-35 shall be deposited to the credit of the fair defense account
1-36 established under Section 71.058.

1-37 (c) The supreme court in consultation with the Judicial
1-38 Committee on Information Technology may enter into an agreement
1-39 with the Office of Court Administration of the Texas Judicial
1-40 System to implement the electronic filing and retrieval in courts
1-41 of this state authorized under Subsection (b), including acquiring
1-42 the necessary technology, software, and data storage.

1-43 (d) The comptroller may retain two percent of the money
1-44 remitted to the comptroller for deposit in the judicial access and
1-45 improvement account. The comptroller shall use the money to audit
1-46 fund balances and to ensure the timely deposit of money in accounts
1-47 as required by this section.

1-48 (e) Section 403.095 does not apply to money dedicated under
1-49 this section.

1-50 SECTION 2. Subchapter F, Chapter 102, Government Code, is
1-51 amended by adding Section 102.1035 to read as follows:

1-52 Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN
1-53 JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court
1-54 shall collect from a defendant a court cost of \$10 under Section
1-55 133.108, Local Government Code, on conviction of an offense, other
1-56 than an offense relating to a pedestrian or the parking of a motor
1-57 vehicle.

1-58 SECTION 3. Subchapter G, Chapter 102, Government Code, is
1-59 amended by adding Section 102.1215 to read as follows:

1-60 Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN
1-61 MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal
1-62 court shall collect from a defendant a court cost of \$10 under
1-63 Section 133.108, Local Government Code, on conviction of an

2-1 offense, other than an offense relating to a pedestrian or the
2-2 parking of a motor vehicle.

2-3 SECTION 4. Subchapter B, Chapter 403, Government Code, is
2-4 amended by adding Section 403.0306 to read as follows:

2-5 Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS
2-6 AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any
2-7 state fiscal biennium the legislature:

2-8 (1) does not appropriate any money to the judicial
2-9 access and improvement account for the purposes provided by Section
2-10 22.016:

2-11 (A) the comptroller and the Office of Court
2-12 Administration of the Texas Judicial System shall notify each
2-13 county clerk and each clerk of a justice or municipal court, as
2-14 appropriate, not to assess fees and court costs under Sections
2-15 102.1035 and 102.1215 of this code and Sections 118.011(g) and
2-16 133.108, Local Government Code, during the state fiscal biennium;
2-17 and

2-18 (B) a county clerk or clerk of a justice or
2-19 municipal court may not assess fees and court costs under Sections
2-20 102.1035 and 102.1215 of this code and Sections 118.011(g) and
2-21 133.108, Local Government Code, during the state fiscal biennium;
2-22 or

2-23 (2) appropriates only a portion of the money to the
2-24 judicial access and improvement account for the purposes provided
2-25 by Section 22.016:

2-26 (A) the comptroller and the Office of Court
2-27 Administration of the Texas Judicial System shall:

2-28 (i) proportionally adjust the amount of the
2-29 fees and court costs to be assessed under Sections 102.1035 and
2-30 102.1215 of this code and Sections 118.011(g) and 133.108, Local
2-31 Government Code, during the state fiscal biennium; and

2-32 (ii) notify each county clerk and each
2-33 clerk of a justice or municipal court, as appropriate, of the amount
2-34 of the fees and court costs to be assessed under Sections 102.1035
2-35 and 102.1215 of this code and Sections 118.011(g) and 133.108,
2-36 Local Government Code, during the state fiscal biennium; and

2-37 (B) a county clerk or clerk of a justice or
2-38 municipal court shall assess the amount of the fees and court costs
2-39 determined by the comptroller under Paragraph (A) during the state
2-40 fiscal biennium.

2-41 SECTION 5. Section 118.011, Local Government Code, is
2-42 amended by adding Subsection (g) to read as follows:

2-43 (g) In addition to any other fee collected under this
2-44 section, the county clerk of a county shall collect a document
2-45 recording fee of \$2 at the time of the filing of a document in the
2-46 records of the office of the clerk. The clerk shall send the fee to
2-47 the comptroller for deposit as provided by Section 22.016,
2-48 Government Code, except the clerk may retain five percent of the
2-49 money collected as a fee under this subsection.

2-50 SECTION 6. Section 133.003, Local Government Code, is
2-51 amended to read as follows:

2-52 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
2-53 following criminal fees:

2-54 (1) the consolidated fee imposed under Section
2-55 133.102;

2-56 (2) the time payment fee imposed under Section
2-57 133.103;

2-58 (3) fees for services of peace officers employed by
2-59 the state imposed under Article 102.011, Code of Criminal
2-60 Procedure, and forwarded to the comptroller as provided by Section
2-61 133.104;

2-62 (4) costs on conviction imposed in certain statutory
2-63 county courts under Section 51.702, Government Code, and deposited
2-64 in the judicial fund;

2-65 (5) costs on conviction imposed in certain county
2-66 courts under Section 51.703, Government Code, and deposited in the
2-67 judicial fund;

2-68 (6) the administrative fee for failure to appear or
2-69 failure to pay or satisfy a judgment imposed under Section 706.006,

3-1 Transportation Code;
 3-2 (7) fines on conviction imposed under Section
 3-3 621.506(g), Transportation Code;
 3-4 (8) the fee imposed under Article 102.0045, Code of
 3-5 Criminal Procedure;
 3-6 (9) the cost on conviction imposed under Section
 3-7 133.105 and deposited in the judicial fund; ~~and~~
 3-8 (10) the cost on conviction imposed under Section
 3-9 133.107; and
 3-10 (11) the cost on conviction imposed under Section
 3-11 133.108.

3-12 SECTION 7. Section 133.058, Local Government Code, is
 3-13 amended by adding Subsection (c-1) to read as follows:

3-14 (c-1) A municipality or county may retain five percent of
 3-15 the money collected as a fee under Section 133.108.

3-16 SECTION 8. Subchapter C, Chapter 133, Local Government
 3-17 Code, is amended by adding Section 133.108 to read as follows:

3-18 Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT.

3-19 (a) A person convicted in a municipal or justice court of an
 3-20 offense, other than an offense relating to a pedestrian or the
 3-21 parking of a motor vehicle, shall pay as a court cost, in addition
 3-22 to other costs, a fee of \$10 to be used to fund basic civil legal
 3-23 services and criminal defense for indigents and electronic filing
 3-24 in courts in this state through the judicial access and improvement
 3-25 account established under Section 22.016, Government Code.

3-26 (b) The treasurer shall remit the fees collected under this
 3-27 section to the comptroller in the manner provided by Subchapter B.
 3-28 The comptroller shall credit the remitted fees to the credit of the
 3-29 judicial access and improvement account established under Section
 3-30 22.016, Government Code.

3-31 SECTION 9. (a) Section 51.607, Government Code, does not
 3-32 apply to the imposition of a court cost or fee under this Act.

3-33 (b) If this Act receives a vote of two-thirds of all members
 3-34 elected to each house as required for immediate effect, the change
 3-35 in law made by this Act applies to the costs imposed on or after
 3-36 September 1, 2011, for conviction of an offense that occurs on or
 3-37 after the effective date of this Act. If this Act does not receive a
 3-38 vote of two-thirds of all members elected to each house, the change
 3-39 in law made by this Act applies to the costs imposed on or after
 3-40 January 1, 2012, for conviction of an offense that occurs on or
 3-41 after September 1, 2011.

3-42 (c) For purposes of Subsection (b) of this section, an
 3-43 offense is committed before the date specified by that subsection
 3-44 if any element of the offense occurs before the specified date.
 3-45 Court costs imposed on conviction of an offense committed before
 3-46 that specified date are governed by the law in effect on the date
 3-47 the offense was committed, and the former law is continued in effect
 3-48 for that purpose.

3-49 SECTION 10. This Act takes effect immediately if it
 3-50 receives a vote of two-thirds of all the members elected to each
 3-51 house, as provided by Section 39, Article III, Texas Constitution.
 3-52 If this Act does not receive the vote necessary for immediate
 3-53 effect, this Act takes effect September 1, 2011.

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