

By: Wentworth

S.B. No. 1085

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the fees collected by district court clerks on the
3 filing of certain civil actions or proceedings to fund basic civil
4 legal services.

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

6 SECTION 1. Section 133.152(a), Local Government Code, is
7 amended to read as follows:

8 (a) In addition to other fees collected under Section
9 133.151(a) or otherwise authorized or required by law, the clerk of
10 a district court shall collect the following fees on the filing of
11 any civil action or proceeding requiring a filing fee, including an
12 appeal, and on the filing of any counterclaim, cross-action,
13 intervention, interpleader, or third-party action requiring a
14 filing fee:

15 (1) \$15 [~~\$5~~] in family law cases and proceedings as
16 defined by Section 25.0002, Government Code; and

17 (2) \$20 [~~\$10~~] in any case other than a case described
18 by Subdivision (1).

19 SECTION 2. Section 101.0615, Government Code, is amended to
20 read as follows:

21 Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL
22 GOVERNMENT CODE. The clerk of a district court shall collect fees
23 and costs under the Local Government Code as follows:

24 (1) additional filing fees:

1 (A) for each civil suit filed, for court-related
2 purposes for the support of the judiciary and for civil legal
3 services to an indigent:

4 (i) for family law cases and proceedings as
5 defined by Section 25.0002, Government Code (Sec. 133.151, Local
6 Government Code) . . . \$45; or

7 (ii) for any case other than a case
8 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
9 . . . \$50; and

10 (B) on the filing of any civil action or
11 proceeding requiring a filing fee, including an appeal, and on the
12 filing of any counterclaim, cross-action, intervention,
13 interpleader, or third-party action requiring a filing fee, to fund
14 civil legal services for the indigent:

15 (i) for family law cases and proceedings as
16 defined by Section 25.0002, Government Code (Sec. 133.152, Local
17 Government Code) . . . \$15 [~~\$5~~]; or

18 (ii) for any case other than a case
19 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
20 . . . \$20 [~~\$10~~];

21 (2) additional filing fee to fund the courthouse
22 security fund, if authorized by the county commissioners court
23 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

24 (3) additional filing fee for filing documents not
25 subject to certain filing fees to fund the courthouse security
26 fund, if authorized by the county commissioners court (Sec.
27 291.008, Local Government Code) . . . \$1;

1 (4) additional filing fee to fund the courthouse
2 security fund in Webb County, if authorized by the county
3 commissioners court (Sec. 291.009, Local Government Code) . . . not
4 to exceed \$20;

5 (5) court cost in civil cases other than suits for
6 delinquent taxes to fund the county law library fund, if authorized
7 by the county commissioners court (Sec. 323.023, Local Government
8 Code) . . . not to exceed \$35; and

9 (6) on the filing of a civil suit, an additional filing
10 fee to be used for court-related purposes for the support of the
11 judiciary (Sec. 133.154, Local Government Code) . . . \$42.

12 SECTION 3. (a) Section 51.607, Government Code, does not
13 apply to the imposition or change in the amount of a fee imposed
14 under Section 133.152(a), Local Government Code, as amended by this
15 Act, or under Section 101.0615, Government Code, as amended by this
16 Act.

17 (b) The change in law made by this Act applies only to a
18 civil action or proceeding filed in a district court on or after the
19 effective date of this Act. A civil action or proceeding filed
20 before that date is governed by the law in effect on the date the
21 action or proceeding was filed, and the former law is continued in
22 effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2011.