

By: Wentworth

S.B. No. 1830

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing certain fees for preservation and archiving
3 of district court records.

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

5 SECTION 1. Section 51.305(b), Government Code, is amended
6 to read as follows:

7 (b) The commissioners court of a county may adopt a district
8 court records archive fee of not more than \$10 [~~\$5~~] for the filing
9 of a suit, including an appeal from an inferior court, or a
10 cross-action, counterclaim, intervention, contempt action, motion
11 for new trial, or third-party petition, in a district court in the
12 county as part of the county's annual budget. The fee must be set
13 and itemized in the county's budget as part of the budget
14 preparation process and must be approved in a public meeting. The
15 fee is for preservation and restoration services performed in
16 connection with maintaining a district court records archive.

17 SECTION 2. Sections 51.317(b) and (c), Government Code, are
18 amended to read as follows:

19 (b) The fees are:

20 (1) except as provided by Subsection (b-1), for filing
21 a suit, including an appeal from an inferior court, \$50;

22 (2) for filing a cross-action, counterclaim,
23 intervention, contempt action, motion for new trial, or third-party
24 petition, \$15;

1 (3) for issuing a citation or other writ or process not
2 otherwise provided for, including one copy, when requested at the
3 time a suit or action is filed, \$8;

4 (4) for records management and preservation, \$15
5 [~~\$10~~]; and

6 (5) in addition to the other fees imposed under this
7 section, for filing a suit, including an appeal from an inferior
8 court, or a cross-action, counterclaim, intervention, contempt
9 action, motion for new trial, or third-party petition, the amount
10 adopted by the county commissioners court under Section 51.305(b),
11 not to exceed \$10 [~~\$5~~], for court records archiving.

12 (c) The district clerk, after collecting a fee under
13 Subsection (b)(4), shall pay the fee to the county treasurer, or to
14 an official who discharges the duties commonly delegated to the
15 county treasurer, for deposit as follows:

16 (1) \$5 to the county records management and
17 preservation fund for records management and preservation,
18 including automation, in various county offices; and

19 (2) \$10 [~~\$5~~] to the district clerk records management
20 and preservation fund for records management and preservation
21 services performed by the district clerk when a case or document is
22 filed in the records office of the district clerk.

23 SECTION 3. (a) Section 101.0611, Government Code, is
24 amended to read as follows:

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

- 1 (1) appellate judicial system filing fees for:
- 2 (A) First or Fourteenth Court of Appeals District
- 3 (Sec. 22.2021, Government Code) . . . not more than \$5;
- 4 (B) Second Court of Appeals District
- 5 (Sec. 22.2031, Government Code) . . . not more than \$5;
- 6 (C) Third Court of Appeals District
- 7 (Sec. 22.2041, Government Code) . . . \$5;
- 8 (D) Fourth Court of Appeals District
- 9 (Sec. 22.2051, Government Code) . . . not more than \$5;
- 10 (E) Fifth Court of Appeals District
- 11 (Sec. 22.2061, Government Code) . . . not more than \$5;
- 12 (E-1) Sixth Court of Appeals District (Sec.
- 13 22.2071, Government Code) . . . \$5;
- 14 (E-2) Seventh Court of Appeals District (Sec.
- 15 22.2081, Government Code) . . . \$5;
- 16 (F) Ninth Court of Appeals District
- 17 (Sec. 22.2101, Government Code) . . . \$5;
- 18 (G) Eleventh Court of Appeals District
- 19 (Sec. 22.2121, Government Code) . . . \$5;
- 20 (G-1) Twelfth Court of Appeals District (Sec.
- 21 22.2131, Government Code) . . . \$5; and
- 22 (H) Thirteenth Court of Appeals District
- 23 (Sec. 22.2141, Government Code) . . . not more than \$5;
- 24 (2) when administering a case for the Rockwall County
- 25 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
- 26 court costs as if the case had been filed in district court;
- 27 (3) additional filing fees:

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

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

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

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

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

15 (4) for filing a suit, including an appeal from an
16 inferior court:

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

19 (B) for a suit with at least 11 but not more than
20 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

21 (C) for a suit with at least 26 but not more than
22 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

23 (D) for a suit with at least 101 but not more than
24 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

25 (E) for a suit with at least 501 but not more than
26 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

27 (F) for a suit with more than 1,000 plaintiffs

- 1 (Sec. 51.317, Government Code) . . . \$200;
- 2 (5) for filing a cross-action, counterclaim,
3 intervention, contempt action, motion for new trial, or third-party
4 petition (Sec. 51.317, Government Code) . . . \$15;
- 5 (6) for issuing a citation or other writ or process not
6 otherwise provided for, including one copy, when requested at the
7 time a suit or action is filed (Sec. 51.317, Government Code) . . .
8 \$8;
- 9 (7) for records management and preservation
10 (Sec. 51.317, Government Code) . . . \$15 [~~\$10~~];
- 11 (7-a) for district court records archiving, if adopted
12 by the county commissioners court (Sec. 51.317(b)(5), Government
13 Code) . . . not more than \$10;
- 14 (8) for issuing a subpoena, including one copy
15 (Sec. 51.318, Government Code) . . . \$8;
- 16 (9) for issuing a citation, commission for deposition,
17 writ of execution, order of sale, writ of execution and order of
18 sale, writ of injunction, writ of garnishment, writ of attachment,
19 or writ of sequestration not provided for in Section 51.317, or any
20 other writ or process not otherwise provided for, including one
21 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 22 (10) for searching files or records to locate a cause
23 when the docket number is not provided (Sec. 51.318, Government
24 Code) . . . \$5;
- 25 (11) for searching files or records to ascertain the
26 existence of an instrument or record in the district clerk's office
27 (Sec. 51.318, Government Code) . . . \$5;

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

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

5 (14) for a certified copy of a record, judgment,
6 order, pleading, or paper on file or of record in the district
7 clerk's office, including certificate and seal, for each page or
8 part of a page (Sec. 51.318, Government Code) . . . \$1;

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

11 (16) fee for performing a service:

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

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

18 (C) of serving process by certified or registered
19 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
20 constable is authorized to charge for the service under Section
21 118.131, Local Government Code; and

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

25 (17) jury fee (Sec. 51.604, Government Code) . . .
26 \$30;

27 (18) additional filing fee for family protection on

1 filing a suit for dissolution of a marriage under Chapter 6, Family
2 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

3 (19) at a hearing held by an associate judge in Dallas
4 County, a court cost to preserve the record, in the absence of a
5 court reporter, by other means (Sec. 54.509, Government Code) . . .
6 as assessed by the referring court or associate judge; and

7 (20) at a hearing held by an associate judge in Duval
8 County, a court cost to preserve the record (Sec. 54.1151,
9 Government Code) . . . as imposed by the referring court or
10 associate judge.

11 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
12 101.06116, and 101.06117, Government Code, are repealed.

13 SECTION 4. (a) Section 51.607, Government Code, does not
14 apply to a fee imposed under Section 51.305(b), 51.317, or
15 101.0611, Government Code, as amended by this Act.

16 (b) Sections 51.305(b) and 51.317(b)(5), Government Code,
17 as amended by this Act, apply only to the imposition of a fee on a
18 filing in an action or proceeding made on or after the effective
19 date of an order of a commissioners court authorizing imposition of
20 the fee. The imposition of a fee on a filing made before that date
21 is governed by the law in effect on the date the filing was made, and
22 the former law is continued in effect for that purpose.

23 (c) Sections 51.317(b)(4) and (c), Government Code, as
24 amended by this Act, apply only to a suit or action filed with a
25 district clerk on or after the effective date of this Act. A suit or
26 action filed before that date is governed by the law in effect on
27 the date the suit or action was filed, and the former law is

1 continued in effect for that purpose.

2 SECTION 5. To the extent of any conflict, this Act prevails
3 over another Act of the 82nd Legislature, Regular Session, 2011,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 6. This Act takes effect September 1, 2011.