

By: King of Parker, Goldman, Geren,
Crownover

H.B. No. 410

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration and operation of the appellate
3 judicial system for the Second Court of Appeals District; changing
4 an appellate judicial system court costs fee in certain counties.

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

6 SECTION 1. Section 22.2031, Government Code, is amended to
7 read as follows:

8 Sec. 22.2031. APPELLATE JUDICIAL SYSTEM. (a) The
9 commissioners court of each county in the Second Court of Appeals
10 District by order entered in its minutes shall [~~may~~] establish an
11 appellate judicial system to:

12 (1) assist the court of appeals for the county in the
13 processing of appeals filed with the court of appeals from the
14 county courts, statutory county courts, statutory probate courts,
15 and district courts; and

16 (2) defray costs and expenses incurred in the
17 operation of the court of appeals [~~by the county under Section~~
18 ~~22.203~~].

19 (b) To fund the system, the commissioners court shall [~~may~~]
20 set a court costs fee of [~~not more than~~] \$5 for each civil suit filed
21 in county court, statutory county court, statutory probate court,
22 or district court in the county.

23 (c) The court costs fee does not apply to a suit filed by any
24 governmental entity [~~the county~~] or to a suit for delinquent taxes.

1 (d) The court costs fee shall be taxed, collected, and paid
2 as other court costs in a suit. The clerk of the court shall collect
3 the court costs fee set under this section and pay it to the county
4 officer who performs the county treasurer's functions. That
5 officer shall deposit the fee in a separate appellate judicial
6 ~~[justice]~~ system fund for ~~[. The commissioners court shall~~
7 ~~establish and maintain the fund to assist]~~ the court of appeals
8 district. The fund may not be used for any other purpose.

9 (e) The ~~[commissioners court shall annually order the]~~
10 funds collected under this section must ~~[to]~~ be forwarded monthly
11 to the court of appeals for expenditure by the court of appeals ~~[for~~
12 ~~its judicial system]~~.

13 (f) The ~~[commissioners court shall vest management of the~~
14 ~~system in the]~~ chief justice of the court of appeals is responsible
15 for management of the funds forwarded to the court of appeals under
16 this section and has sole discretion as to the use of the funds,
17 except that the funds must be used for purposes consistent with the
18 purposes of the appellate judicial system as described by
19 Subsection (a). ~~[The commissioners court has the authority~~
20 ~~necessary to assist the court of appeals in the administration and~~
21 ~~management of the system and to contract with any private~~
22 ~~corporation, public corporation, or a combination of those~~
23 ~~corporations.]~~

24 SECTION 2. Section 101.0611, Government Code, is amended to
25 read as follows:

26 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
27 CODE. The clerk of a district court shall collect fees and costs

1 under the Government Code as follows:

2 (1) appellate judicial system filing fees for:

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

5 (B) Second Court of Appeals District (Sec.
6 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

7 (C) Third Court of Appeals District (Sec.
8 22.2041, Government Code) . . . \$5;

9 (D) Fourth Court of Appeals District (Sec.
10 22.2051, Government Code) . . . not more than \$5;

11 (E) Fifth Court of Appeals District (Sec.
12 22.2061, Government Code) . . . not more than \$5;

13 (E-1) Sixth Court of Appeals District (Sec.
14 22.2071, Government Code) . . . \$5;

15 (E-2) Seventh Court of Appeals District (Sec.
16 22.2081, Government Code) . . . \$5;

17 (F) Ninth Court of Appeals District (Sec.
18 22.2101, Government Code) . . . \$5;

19 (G) Eleventh Court of Appeals District (Sec.
20 22.2121, Government Code) . . . \$5;

21 (G-1) Twelfth Court of Appeals District (Sec.
22 22.2131, Government Code) . . . \$5; and

23 (H) Thirteenth Court of Appeals District (Sec.
24 22.2141, Government Code) . . . not more than \$5;

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

1 (3) additional filing fees:

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

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;

11 (C) to fund the improvement of Hays County court
12 facilities, if authorized by the county commissioners court (Sec.
13 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 (4) for filing a suit, including an appeal from an
17 inferior court:

18 (A) for a suit with 10 or fewer plaintiffs (Sec.
19 51.317, Government Code) . . . \$50;

20 (B) for a suit with at least 11 but not more than
21 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

22 (C) for a suit with at least 26 but not more than
23 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

24 (D) for a suit with at least 101 but not more than
25 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

26 (E) for a suit with at least 501 but not more than
27 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

6 (6) for issuing a citation or other writ or process not
7 otherwise provided for, including one copy, when requested at the
8 time a suit or action is filed (Sec. 51.317, Government Code) . . .
9 \$8;

10 (7) for records management and preservation (Sec.
11 51.317, Government Code) . . . \$10;

12 (7-a) for district court records archiving, if adopted
13 by the county commissioners court (Sec. 51.317(b)(5), Government
14 Code) . . . not more than \$5;

15 (8) for issuing a subpoena, including one copy (Sec.
16 51.318, Government Code) . . . \$8;

17 (9) for issuing a citation, commission for deposition,
18 writ of execution, order of sale, writ of execution and order of
19 sale, writ of injunction, writ of garnishment, writ of attachment,
20 or writ of sequestration not provided for in Section 51.317, or any
21 other writ or process not otherwise provided for, including one
22 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

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

26 (11) for searching files or records to ascertain the
27 existence of an instrument or record in the district clerk's office

1 (Sec. 51.318, Government Code) . . . \$5;
2 (12) for abstracting a judgment (Sec. 51.318,
3 Government Code) . . . \$8;
4 (13) for approving a bond (Sec. 51.318, Government
5 Code) . . . \$4;
6 (14) for a certified copy of a record, judgment,
7 order, pleading, or paper on file or of record in the district
8 clerk's office, including certificate and seal, for each page or
9 part of a page (Sec. 51.318, Government Code) . . . not to exceed
10 \$1;
11 (15) for a noncertified copy, for each page or part of
12 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
13 (16) fee for performing a service:
14 (A) related to the matter of the estate of a
15 deceased person (Sec. 51.319, Government Code) . . . the same fee
16 allowed the county clerk for those services;
17 (B) related to the matter of a minor (Sec.
18 51.319, Government Code) . . . the same fee allowed the county
19 clerk for the service;
20 (C) of serving process by certified or registered
21 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
22 constable is authorized to charge for the service under Section
23 118.131, Local Government Code; and
24 (D) prescribed or authorized by law but for which
25 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
26 (17) jury fee (Sec. 51.604, Government Code) . . .
27 \$30;

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

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

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

12 SECTION 3. Section 101.0811, Government Code, is amended to
13 read as follows:

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

17 (1) appellate judicial system filing fees:

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

20 (B) Second Court of Appeals District (Sec.
21 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

22 (C) Third Court of Appeals District (Sec.
23 22.2041, Government Code) . . . \$5;

24 (D) Fourth Court of Appeals District (Sec.
25 22.2051, Government Code) . . . not more than \$5;

26 (E) Fifth Court of Appeals District (Sec.
27 22.2061, Government Code) . . . not more than \$5;

1 (E-1) Sixth Court of Appeals District (Sec.
2 22.2071, Government Code) . . . \$5;

3 (E-2) Seventh Court of Appeals District (Sec.
4 22.2081, Government Code) . . . \$5;

5 (F) Ninth Court of Appeals District (Sec.
6 22.2101, Government Code) . . . \$5;

7 (G) Eleventh Court of Appeals District (Sec.
8 22.2121, Government Code) . . . \$5;

9 (G-1) Twelfth Court of Appeals District (Sec.
10 22.2131, Government Code) . . . \$5; and

11 (H) Thirteenth Court of Appeals District (Sec.
12 22.2141, Government Code) . . . not more than \$5;

13 (2) an official court reporter fee, County Court at
14 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

15 (3) in Brazoria County, in matters of concurrent
16 jurisdiction with the district court, fees (Sec. 25.0222,
17 Government Code) . . . as prescribed by law for district judges
18 according to the nature of the matter;

19 (4) a court reporter fee when testimony is taken in a
20 county court at law in McLennan County (Sec. 25.1572, Government
21 Code) . . . \$3;

22 (5) a stenographer fee, if a record or part of a record
23 is made:

24 (A) in a county court at law in Hidalgo County
25 (Sec. 25.1102, Government Code) . . . \$20; and

26 (B) in a county court at law in Nolan County (Sec.
27 25.1792, Government Code) . . . \$25;

1 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

2 (7) an additional filing fee:

3 (A) for each civil case filed to be used for
4 court-related purposes for the support of the judiciary (Sec.
5 51.702, Government Code) . . . \$40;

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

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

12 (C) to fund the improvement of Hays County court
13 facilities, if authorized by the county commissioners court (Sec.
14 51.707, Government Code) . . . not more than \$15; and

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

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

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

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

26 (C) in Parker County (Sec. 25.1862, Government
27 Code) . . . taxed in the same manner as the fee is taxed in civil

1 cases in the district courts;

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

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

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

16 SECTION 4. Section 101.1011, Government Code, is amended to
17 read as follows:

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

21 (1) appellate judicial system filing fees:

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

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

26 (C) Third Court of Appeals District (Sec.
27 22.2041, Government Code) . . . \$5;

1 (D) Fourth Court of Appeals District (Sec.
2 22.2051, Government Code) . . . not more than \$5;

3 (E) Fifth Court of Appeals District (Sec.
4 22.2061, Government Code) . . . not more than \$5;

5 (E-1) Sixth Court of Appeals District (Sec.
6 22.2071, Government Code) . . . \$5;

7 (E-2) Seventh Court of Appeals District (Sec.
8 22.2081, Government Code) . . . \$5;

9 (F) Ninth Court of Appeals District (Sec.
10 22.2101, Government Code) . . . \$5;

11 (G) Eleventh Court of Appeals District (Sec.
12 22.2121, Government Code) . . . \$5;

13 (G-1) Twelfth Court of Appeals District (Sec.
14 22.2131, Government Code) . . . \$5; and

15 (H) Thirteenth Court of Appeals District (Sec.
16 22.2141, Government Code) . . . not more than \$5;

17 (2) additional filing fees as follows:

18 (A) for certain cases to be used for
19 court-related purposes for support of the judiciary (Sec. 51.704,
20 Government Code) . . . \$40;

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

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

27 (C) to fund the improvement of Hays County court

1 facilities, if authorized by the county commissioners court (Sec.
2 51.707, Government Code) . . . not more than \$15;

3 (3) jury fee for civil case (Sec. 51.604, Government
4 Code) . . . \$22;

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

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

12 SECTION 5. Section 101.1212, Government Code, is amended to
13 read as follows:

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

17 (1) appellate judicial system filing fees:

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

20 (B) Second Court of Appeals District (Sec.
21 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

22 (C) Third Court of Appeals District (Sec.
23 22.2041, Government Code) . . . \$5;

24 (D) Fourth Court of Appeals District (Sec.
25 22.2051, Government Code) . . . not more than \$5;

26 (E) Fifth Court of Appeals District (Sec.
27 22.2061, Government Code) . . . not more than \$5;

1 (E-1) Sixth Court of Appeals District (Sec.
2 22.2071, Government Code) . . . \$5;

3 (E-2) Seventh Court of Appeals District (Sec.
4 22.2081, Government Code) . . . \$5;

5 (F) Ninth Court of Appeals District (Sec.
6 22.2101, Government Code) . . . \$5;

7 (G) Eleventh Court of Appeals District (Sec.
8 22.2121, Government Code) . . . \$5;

9 (G-1) Twelfth Court of Appeals District (Sec.
10 22.2131, Government Code) . . . \$5; and

11 (H) Thirteenth Court of Appeals District (Sec.
12 22.2141, Government Code) . . . not more than \$5;

13 (2) a jury fee (Sec. 51.604, Government Code) . . .
14 \$22;

15 (3) a filing fee in each civil case filed to be used
16 for court-related purposes for the support of the judiciary (Sec.
17 51.703, Government Code) . . . \$40; and

18 (4) a filing fee to fund the preservation of court
19 records (Sec. 51.708, Government Code) . . . not more than \$10.

20 SECTION 6. (a) Section 51.607, Government Code, does not
21 apply to the imposition or change in the amount of a fee assessed
22 under:

23 (1) Section 22.2031, Government Code, as amended by
24 this Act;

25 (2) Section 101.0611, Government Code, as amended by
26 this Act;

27 (3) Section 101.0811, Government Code, as amended by

1 this Act;

2 (4) Section 101.1011, Government Code, as amended by
3 this Act; or

4 (5) Section 101.1212, Government Code, as amended by
5 this Act.

6 (b) The imposition or change in the amount of a fee imposed
7 under a provision listed in Subsection (a) of this section applies
8 only to a civil suit filed in a county court, statutory county
9 court, statutory probate court, or district court on or after the
10 effective date of this Act. A civil suit filed in a county court,
11 statutory county court, statutory probate court, or district court
12 before that date is governed by the law in effect on the date the
13 suit was filed, and the former law is continued in effect for that
14 purpose.

15 SECTION 7. This Act takes effect September 1, 2013.