

By: King of Hemphill

H.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county clerk or district clerk to
3 collect certain fees; imposing and increasing certain court fees.

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

5 SECTION 1. Article 17.02, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
8 written undertaking entered into by the defendant and the
9 defendant's sureties for the appearance of the principal therein
10 before a court or magistrate to answer a criminal accusation;
11 provided, however, that the defendant on execution of the bail bond
12 may deposit with the custodian of funds of the court in which the
13 prosecution is pending current money of the United States in the
14 amount of the bond in lieu of having sureties signing the same. Any
15 cash funds deposited under this article shall be receipted for by
16 the officer receiving the funds and, on order of the court, be
17 refunded in the amount reflected on the face of the receipt less the
18 administrative fee authorized under Section 117.055, Local
19 Government Code, after the defendant complies with the conditions
20 of the defendant's bond, to:

21 (1) any person in the name of whom a receipt was
22 issued, [~~in the amount reflected on the face of the receipt,~~]
23 including the defendant if a receipt was issued to the defendant; or

24 (2) the defendant, if no other person is able to

1 produce a receipt for the funds.

2 SECTION 2. Article 102.006(a), Code of Criminal Procedure,
3 is amended to read as follows:

4 (a) In addition to any other fees required by other law and
5 except as provided by Subsection (b), a petitioner seeking
6 expunction of a criminal record shall pay the following fees:

7 (1) the fee charged for filing an ex parte petition in
8 a civil action in district court;

9 (2) \$1 plus postage for each certified mailing of
10 notice of the hearing date; ~~and~~

11 (3) \$2 plus postage for each certified mailing of
12 certified copies of an order of expunction;

13 (4) \$4 for each facsimile or e-mail notice of a hearing
14 date; and

15 (5) \$4 for each facsimile or e-mail of a copy of an
16 order of expunction.

17 SECTION 3. Article 102.017(a), Code of Criminal Procedure,
18 is amended to read as follows:

19 (a) A defendant convicted of a felony offense [~~in a district~~
20 ~~court~~] shall pay a \$5 security fee as a cost of court.

21 SECTION 4. Section 51.305(b), Government Code, is amended
22 to read as follows:

23 (b) As part of the county's annual budget, the [~~The~~]
24 commissioners court of a county may adopt a district court records
25 archive fee of not more than \$5 for the filing of a suit, including
26 an appeal from an inferior court, or a cross-action, counterclaim,
27 intervention, contempt action, motion for new trial, or third-party

1 petition, in any [~~a district~~] court in the county for which the
2 district clerk accepts filings [~~as part of the county's annual~~
3 ~~budget. The fee must be set and itemized in the county's budget as~~
4 ~~part of the budget preparation process and must be approved in a~~
5 ~~public meeting~~]. The fee is for preservation and restoration
6 services performed in connection with maintaining a district court
7 records archive.

8 SECTION 5. Section 51.318(b), Government Code, is amended
9 to read as follows:

10 (b) The fees are:

11 (1) for issuing a subpoena, including one copy . . . \$8

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

18 (3) for searching files or records to locate a cause
19 when the docket number is not provided \$5

20 (4) for searching files or records to ascertain the
21 existence of an instrument or record in the district clerk's
22 office \$5

23 (5) for abstracting a judgment \$8

24 (6) for approving a bond \$4

25 (7) for certifying [~~a certified copy of~~] a record,
26 judgment, order, pleading, or paper on file or of record in the
27 district clerk's office [~~, including certificate and seal, for each~~

1 ~~page or part of a page]~~ not to exceed \$5 [~~\$1~~]

2 (8) for issuing a record, judgment, order, pleading,
3 or paper on file or of record in the district clerk's office
4 [~~noncertified copy~~], for each page or part of a page not
5 to exceed \$1.

6 SECTION 6. Section 101.0611, Government Code, is amended
7 to read as follows:

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

11 (1) appellate judicial system filing fees for:

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

14 (B) Second Court of Appeals District (Sec.
15 22.2031, Government Code) . . . not more than \$5;

16 (C) Third Court of Appeals District (Sec.
17 22.2041, Government Code) . . . \$5;

18 (D) Fourth Court of Appeals District (Sec.
19 22.2051, Government Code) . . . not more than \$5;

20 (E) Fifth Court of Appeals District (Sec.
21 22.2061, Government Code) . . . not more than \$5;

22 (E-1) Sixth Court of Appeals District (Sec.
23 22.2071, Government Code) . . . \$5;

24 (E-2) Seventh Court of Appeals District (Sec.
25 22.2081, Government Code) . . . \$5;

26 (F) Ninth Court of Appeals District (Sec.
27 22.2101, Government Code) . . . \$5;

1 (G) Eleventh Court of Appeals District (Sec.
2 22.2121, Government Code) . . . \$5;

3 (G-1) Twelfth Court of Appeals District (Sec.
4 22.2131, Government Code) . . . \$5; and

5 (H) Thirteenth Court of Appeals District (Sec.
6 22.2141, Government Code) . . . not more than \$5;

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

10 (3) additional filing fees:

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

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

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

20 (C) to fund the improvement of Hays County court
21 facilities, if authorized by the county commissioners court (Sec.
22 51.707, Government Code) . . . not more than \$15; and

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

25 (4) for filing a suit, including an appeal from an
26 inferior court:

27 (A) for a suit with 10 or fewer plaintiffs (Sec.

- 1 51.317, Government Code) . . . \$50;
- 2 (B) for a suit with at least 11 but not more than
3 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 4 (C) for a suit with at least 26 but not more than
5 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 6 (D) for a suit with at least 101 but not more than
7 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 8 (E) for a suit with at least 501 but not more than
9 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 10 (F) for a suit with more than 1,000 plaintiffs
11 (Sec. 51.317, Government Code) . . . \$200;
- 12 (5) for filing a cross-action, counterclaim,
13 intervention, contempt action, motion for new trial, or third-party
14 petition (Sec. 51.317, Government Code) . . . \$15;
- 15 (6) for issuing a citation or other writ or process not
16 otherwise provided for, including one copy, when requested at the
17 time a suit or action is filed (Sec. 51.317, Government Code) . . .
18 \$8;
- 19 (7) for records management and preservation (Sec.
20 51.317, Government Code) . . . \$10;
- 21 (7-a) for district court records archiving, if adopted
22 by the county commissioners court (Sec. 51.317(b)(5), Government
23 Code) . . . not more than \$5;
- 24 (8) for issuing a subpoena, including one copy (Sec.
25 51.318, Government Code) . . . \$8;
- 26 (9) for issuing a citation, commission for deposition,
27 writ of execution, order of sale, writ of execution and order of

1 sale, writ of injunction, writ of garnishment, writ of attachment,
2 or writ of sequestration not provided for in Section 51.317, or any
3 other writ or process not otherwise provided for, including one
4 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

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

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

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

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

15 (14) for certifying [~~a certified copy of~~] a record,
16 judgment, order, pleading, or paper on file or of record in the
17 district clerk's office [~~, including certificate and seal, for each~~
18 ~~page or part of a page~~] (Sec. 51.318, Government Code) . . . not to
19 exceed \$1;

20 (15) for issuing a record, judgment, order, pleading,
21 or paper on file or of record in the district clerk's office
22 [~~noncertified copy~~], for each page or part of a page (Sec. 51.318,
23 Government Code) . . . not to exceed \$1;

24 (16) fee for performing a service:

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

1 (B) related to the matter of a minor (Sec.
2 51.319, Government Code) . . . the same fee allowed the county
3 clerk for the service;

4 (C) of serving process by certified or registered
5 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
6 constable is authorized to charge for the service under Section
7 118.131, Local Government Code; and

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

10 (17) jury fee (Sec. 51.604, Government Code) . . .
11 \$30;

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

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

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

23 SECTION 7. Section 102.081, Government Code, is amended to
24 read as follows:

25 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
26 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
27 court shall collect fees and costs under the Code of Criminal

1 Procedure on conviction of a defendant as follows:

2 (1) a jury fee (Art. 102.004, Code of Criminal
3 Procedure) . . . \$20;

4 (2) a fee for clerk of the court services (Art.
5 102.005, Code of Criminal Procedure) . . . \$40;

6 (3) a records management and preservation services fee
7 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

8 (4) a county and district court technology fee (Art.
9 102.0169, Code of Criminal Procedure) . . . \$4;

10 (5) a security fee on a misdemeanor offense (Art.
11 102.017, Code of Criminal Procedure) . . . \$3;

12 (6) a juvenile delinquency prevention and graffiti
13 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
14 \$50;

15 (7) a juvenile case manager fee (Art. 102.0174, Code
16 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
17 juvenile case manager; ~~and~~

18 (8) a civil justice fee (Art. 102.022, Code of
19 Criminal Procedure) . . . \$0.10; and

20 (9) a security fee on a felony offense (Art. 102.017,
21 Code of Criminal Procedure) . . . \$5.

22 SECTION 8. Section 51.607, Government Code, does not apply
23 to the imposition of a court cost or fee under this Act.

24 SECTION 9. The change in law made by this Act applies only
25 to a fee that becomes payable on or after the effective date of this
26 Act. A fee that becomes payable before the effective date of this
27 Act is governed by the law in effect when the fee became payable,

1 and the former law is continued in effect for that purpose.

2 SECTION 10. To the extent of any conflict, this Act prevails
3 over another Act of the 83rd Legislature, Regular Session, 2013,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 11. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2013.