

By: Hunter, Thompson of Harris

H.B. No. 2302

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to signing electronic or digital court documents, to the  
3 electronic filing system established by the Texas Supreme Court, to  
4 the statewide electronic filing system fund, and to certain court  
5 fees and court costs; imposing and authorizing certain fees.

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

7 SECTION 1. Chapter 21, Government Code, is amended by  
8 adding Section 21.011 to read as follows:

9 Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or  
10 justice presiding over a court in this state may sign an electronic  
11 or digital court document, including an order, judgment, ruling,  
12 notice, commission, or precept, electronically, digitally, or  
13 through another secure method. The document signed in that manner  
14 is the official document issued by the court.

15 SECTION 2. Chapter 51, Government Code, is amended by  
16 adding Subchapter I-1 to read as follows:

17 SUBCHAPTER I-1. ELECTRONIC FILING FEE

18 Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section,  
19 "conviction" has the meaning assigned by Section 133.101, Local  
20 Government Code.

21 (b) In addition to other fees authorized or required by law,  
22 the clerk of the supreme court, a court of appeals, a district  
23 court, a county court, a statutory county court, or a statutory  
24 probate court shall collect a \$20 fee on the filing of any civil

1 action or proceeding requiring a filing fee, including an appeal,  
2 and on the filing of any counterclaim, cross-action, intervention,  
3 interpleader, or third-party action requiring a filing fee to be  
4 used as provided by Section 51.852.

5 (c) In addition to other fees authorized or required by law,  
6 the clerk of a justice court shall collect a \$10 fee on the filing of  
7 any civil action or proceeding requiring a filing fee, including an  
8 appeal, and on the filing of any counterclaim, cross-action,  
9 intervention, interpleader, or third-party action requiring a  
10 filing fee to be used as provided by Section 51.852.

11 (d) In addition to other court costs, a person shall pay \$5  
12 as a court cost on conviction of any criminal offense in a district  
13 court, county court, or statutory county court.

14 (e) A court may waive payment of a court cost or fee due  
15 under this section for an individual the court determines is  
16 indigent.

17 (f) Court costs and fees due under this section shall be  
18 collected in the same manner as other fees, fines, or costs in the  
19 case.

20 (g) The clerk shall send the court costs and fees collected  
21 under this section to the comptroller not later than the last day of  
22 the month following each calendar quarter.

23 (h) The comptroller shall deposit the court costs and fees  
24 received under this section to the credit of the statewide  
25 electronic filing system fund established under Section 51.852.

26 (i) The comptroller may audit the records of a county  
27 related to costs and fees collected under this section.

1        (j) Money spent from costs and fees collected under this  
2 section is subject to audit by the state auditor.

3        Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a)  
4 The statewide electronic filing system fund is an account in the  
5 general revenue fund.

6        (b) Money in the statewide electronic filing system fund may  
7 only be appropriated to the Office of Court Administration of the  
8 Texas Judicial System and used to:

9            (1) support a statewide electronic filing technology  
10 project for courts in this state;

11           (2) provide grants to counties to implement components  
12 of the project; or

13           (3) support court technology projects that have a  
14 statewide impact as determined by the office of court  
15 administration.

16        SECTION 3. Subchapter C, Chapter 72, Government Code, is  
17 amended by adding Section 72.031 to read as follows:

18        Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this  
19 section:

20           (1) "Appellate court" means the supreme court, the  
21 court of criminal appeals, or a court of appeals.

22           (2) "Electronic filing system" means the filing system  
23 established by supreme court rule or order for the electronic  
24 filing of documents in courts of this state.

25           (3) "Electronic filing transaction" means the  
26 simultaneous electronic filing of one or more documents related to  
27 a proceeding before a court in this state.

1           (4) "Local government" means a county or municipality.

2           (b) The office as authorized by supreme court rule or order  
3 may implement an electronic filing system for use in the courts of  
4 this state.

5           (c) A local government or appellate court that uses the  
6 electronic filing system may charge a fee of \$2 for each electronic  
7 filing transaction if:

8           (1) the fee is necessary to recover the actual system  
9 operating costs reasonably incurred by the local government or  
10 appellate court to:

11                   (A) accept electronic payment methods; or

12                   (B) interface with other technology information  
13 systems;

14           (2) the fee does not include an amount to recover local  
15 government or appellate court employee costs, other than costs for  
16 directly maintaining the system;

17           (3) the governing body of the local government or the  
18 appellate court approves the fee using the local government or  
19 appellate court's standard approval process for fee increases; and

20           (4) the local government or appellate court annually  
21 certifies to the office on a form prescribed by the office that the  
22 amount of the fee is necessary to recover the actual system  
23 operating costs incurred by the local government or appellate  
24 court.

25           (c-1) This subsection and Subsection (c) expire September  
26 1, 2019.

27           (d) A local government or appellate court that uses the

1 electronic filing system may accept electronic payment methods,  
2 including payments made with credit and debit cards.

3 (e) A governmental entity not otherwise required to pay a  
4 filing fee under any other law may not be required to pay a fee  
5 established under this section.

6 (f) A court shall waive payment of any fee due under this  
7 section for an individual the court determines is indigent.

8 (g) The comptroller may audit the records of a county or  
9 municipality relating to fees collected under this section. Money  
10 spent from fees collected under this section is subject to audit by  
11 the state auditor.

12 SECTION 4. Subchapter B, Chapter 101, Government Code, is  
13 amended by adding Section 101.0211 to read as follows:

14 Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT  
15 CODE. The clerk of the supreme court shall collect a statewide  
16 electronic filing system fund fee of \$20 under Section 51.851,  
17 Government Code.

18 SECTION 5. Subchapter C, Chapter 101, Government Code, is  
19 amended by adding Section 101.0411 to read as follows:

20 Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT  
21 CODE. The clerk of a court of appeals shall collect a statewide  
22 electronic filing system fund fee of \$20 under Section 51.851,  
23 Government Code.

24 SECTION 6. Subchapter D, Chapter 101, Government Code, is  
25 amended by adding Section 101.06118 to read as follows:

26 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT  
27 CODE. The clerk of a district court shall collect a statewide

1 electronic filing system fund fee of \$20 under Section 51.851,  
2 Government Code.

3 SECTION 7. Subchapter E, Chapter 101, Government Code, is  
4 amended by adding Section 101.08117 to read as follows:

5 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:  
6 GOVERNMENT CODE. The clerk of a statutory county court shall  
7 collect a statewide electronic filing system fund fee of \$20 under  
8 Section 51.851, Government Code.

9 SECTION 8. Subchapter F, Chapter 101, Government Code, is  
10 amended by adding Section 101.10116 to read as follows:

11 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:  
12 GOVERNMENT CODE. The clerk of a statutory probate court shall  
13 collect a statewide electronic filing system fund fee of \$20 under  
14 Section 51.851, Government Code.

15 SECTION 9. Subchapter G, Chapter 101, Government Code, is  
16 amended by adding Section 101.12126 to read as follows:

17 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT  
18 CODE. The clerk of a county court shall collect a statewide  
19 electronic filing system fund fee of \$20 under Section 51.851,  
20 Government Code.

21 SECTION 10. Subchapter H, Chapter 101, Government Code, is  
22 amended by adding Section 101.1411 to read as follows:

23 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT  
24 CODE. The clerk of a justice court shall collect a statewide  
25 electronic filing system fund fee of \$10 under Section 51.851,  
26 Government Code.

27 SECTION 11. Subchapter C, Chapter 102, Government Code, is

1 amended by adding Section 102.0415 to read as follows:

2 Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN  
3 DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court  
4 shall collect from a defendant a court cost on conviction of \$5  
5 under Section 51.851, Government Code.

6 SECTION 12. Subchapter D, Chapter 102, Government Code, is  
7 amended by adding Section 102.0615 to read as follows:

8 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN  
9 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory  
10 county court shall collect from a defendant a court cost on  
11 conviction of \$5 under Section 51.851, Government Code.

12 SECTION 13. Subchapter E, Chapter 102, Government Code, is  
13 amended by adding Section 102.082 to read as follows:

14 Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN  
15 COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall  
16 collect from a defendant a court cost on conviction of \$5 under  
17 Section 51.851, Government Code.

18 SECTION 14. Section 231.202, Family Code, is amended to  
19 read as follows:

20 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D  
21 CASES. In a Title IV-D case filed under this title, including a  
22 case filed under Chapter 159, the Title IV-D agency shall pay only  
23 the following costs and fees:

24 (1) filing fees and fees for issuance and service of  
25 process as provided by Chapter 110 of this code and by Sections  
26 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),  
27 Government Code;

- 1           (2) fees for transfer as provided by Chapter 110;
- 2           (3) fees for the issuance and delivery of orders and  
3 writs of income withholding in the amounts provided by Chapter 110;
- 4           (4) the fee for services provided by sheriffs and  
5 constables, including:
- 6                 (A) a fee authorized under Section 118.131, Local  
7 Government Code, for serving each item of process to each  
8 individual on whom service is required, including service by  
9 certified or registered mail; and
- 10                (B) a fee authorized under Section 157.103(b) for  
11 serving a *capias*;
- 12           (5) the fee for filing an administrative writ of  
13 withholding under Section 158.503(d);
- 14           (6) the fee for issuance of a subpoena as provided by  
15 Section 51.318(b)(1), Government Code; and
- 16           (7) a fee authorized [~~under a local rule~~] for the  
17 electronic filing of documents with a clerk.

18           SECTION 15. Section 133.058(d), Local Government Code, is  
19 amended to read as follows:

20           (d) A county may not retain a service fee on the collection  
21 of a fee:

- 22                 (1) for the judicial fund; [~~or~~]
- 23                 (2) under Sections 14 and 19, Article 42.12, Code of  
24 Criminal Procedure; or
- 25                 (3) under Section 51.851, Government Code.

26           SECTION 16. The imposition of a cost of court on conviction  
27 under Section 51.851, Government Code, as added by this Act,



1 applies only to an offense committed on or after the effective date  
2 of this Act. An offense committed before the effective date of this  
3 Act is covered by the law in effect when the offense was committed,  
4 and the former law is continued in effect for that purpose. For  
5 purposes of this section, an offense was committed before the  
6 effective date of this Act if any element of the offense was  
7 committed before that date.

8 SECTION 17. (a) Section 51.607, Government Code, does not  
9 apply to the imposition of a fee assessed under:

10 (1) Section 51.851, Government Code, as added by this  
11 Act;

12 (2) Section 101.0211, Government Code, as added by  
13 this Act;

14 (3) Section 101.0411, Government Code, as added by  
15 this Act;

16 (4) Section 101.06118, Government Code, as added by  
17 this Act;

18 (5) Section 101.08117, Government Code, as added by  
19 this Act;

20 (6) Section 101.10116, Government Code, as added by  
21 this Act;

22 (7) Section 101.12126, Government Code, as added by  
23 this Act;

24 (8) Section 101.1411, Government Code, as added by  
25 this Act;

26 (9) Section 102.0415, Government Code, as added by  
27 this Act;

1           (10) Section 102.0615, Government Code, as added by  
2 this Act; or

3           (11) Section 102.082, Government Code, as added by  
4 this Act.

5           (b) The changes in law made by this Act apply only to a fee  
6 that becomes payable on or after September 1, 2013. A fee that  
7 becomes payable before that date is governed by the law in effect  
8 when the fee became payable, and the former law is continued in  
9 effect for that purpose.

10          SECTION 18. Not later than December 1, 2018, the Office of  
11 Court Administration of the Texas Judicial System shall file a  
12 report with the lieutenant governor, the speaker of the house of  
13 representatives, and the presiding officers of the standing  
14 committees of each house of the legislature with jurisdiction over  
15 the judiciary detailing the number of local governments and  
16 appellate courts collecting a fee under Section 72.031(c),  
17 Government Code, as added by this Act, and the necessity of the  
18 local governments and appellate courts to continue collecting the  
19 fee.

20          SECTION 19. This Act takes effect September 1, 2013.