

By: Hunter, Thompson of Harris

H.B. No. 2302

Substitute the following for H.B. No. 2302:

By: Thompson of Harris

C.S.H.B. No. 2302

A BILL TO BE ENTITLED

AN ACT

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

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

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

9 SUBCHAPTER I-1. ELECTRONIC FILING FEE

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

13 (b) In addition to other fees authorized or required by law,
14 the clerk of the supreme court, a court of appeals, a district
15 court, a county court, a statutory county court, or a statutory
16 probate court shall collect a \$20 fee on the filing of any civil
17 action or proceeding requiring a filing fee, including an appeal,
18 and on the filing of any counterclaim, cross-action, intervention,
19 interpleader, or third-party action requiring a filing fee to be
20 used as provided by Section 51.852.

21 (c) In addition to other fees authorized or required by law,
22 the clerk of a justice court shall collect a \$10 fee on the filing of
23 any civil action or proceeding requiring a filing fee, including an
24 appeal, and on the filing of any counterclaim, cross-action,

1 intervention, interpleader, or third-party action requiring a
2 filing fee to be used as provided by Section 51.852.

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

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

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

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

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

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

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

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

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

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

3 (2) provide grants to counties to implement components
4 of the project; or

5 (3) support court technology projects that have a
6 statewide impact as determined by the office of court
7 administration.

8 SECTION 2. Subchapter C, Chapter 72, Government Code, is
9 amended by adding Section 72.031 to read as follows:

10 Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this
11 section:

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

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

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

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

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

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

27 (1) the fee is necessary to recover the actual system

1 operating costs reasonably incurred by the local government or
2 appellate court to:

3 (A) accept electronic payment methods; or

4 (B) interface with other technology information
5 systems;

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

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

12 (4) the local government or appellate court annually
13 certifies to the office on a form prescribed by the office that the
14 amount of the fee is necessary to recover the actual system
15 operating costs incurred by the local government or appellate
16 court.

17 (c-1) This subsection and Subsection (c) expire September
18 1, 2019.

19 (d) A local government or appellate court that uses the
20 electronic filing system may accept electronic payment methods,
21 including payments made with credit and debit cards.

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

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

27 (g) The comptroller may audit the records of a county or

1 municipality relating to fees collected under this section. Money
2 spent from fees collected under this section is subject to audit by
3 the state auditor.

4 SECTION 3. Subchapter B, Chapter 101, Government Code, is
5 amended by adding Section 101.0211 to read as follows:

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

10 SECTION 4. Subchapter C, Chapter 101, Government Code, is
11 amended by adding Section 101.0411 to read as follows:

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

16 SECTION 5. Subchapter D, Chapter 101, Government Code, is
17 amended by adding Section 101.06118 to read as follows:

18 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
19 CODE. The clerk of a district court shall collect a statewide
20 electronic filing system fund fee of \$20 under Section 51.851,
21 Government Code.

22 SECTION 6. Subchapter E, Chapter 101, Government Code, is
23 amended by adding Section 101.08117 to read as follows:

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

1 SECTION 7. Subchapter F, Chapter 101, Government Code, is
2 amended by adding Section 101.10116 to read as follows:

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

7 SECTION 8. Subchapter G, Chapter 101, Government Code, is
8 amended by adding Section 101.12126 to read as follows:

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

13 SECTION 9. Subchapter H, Chapter 101, Government Code, is
14 amended by adding Section 101.1411 to read as follows:

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

19 SECTION 10. Subchapter C, Chapter 102, Government Code, is
20 amended by adding Section 102.0415 to read as follows:

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

25 SECTION 11. Subchapter D, Chapter 102, Government Code, is
26 amended by adding Section 102.0615 to read as follows:

27 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN

1 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory
2 county court shall collect from a defendant a court cost on
3 conviction of \$5 under Section 51.851, Government Code.

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

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

10 SECTION 13. Section 231.202, Family Code, is amended to
11 read as follows:

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

16 (1) filing fees and fees for issuance and service of
17 process as provided by Chapter 110 of this code and by Sections
18 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),
19 Government Code;

20 (2) fees for transfer as provided by Chapter 110;

21 (3) fees for the issuance and delivery of orders and
22 writs of income withholding in the amounts provided by Chapter 110;

23 (4) the fee for services provided by sheriffs and
24 constables, including:

25 (A) a fee authorized under Section 118.131, Local
26 Government Code, for serving each item of process to each
27 individual on whom service is required, including service by

1 certified or registered mail; and

2 (B) a fee authorized under Section 157.103(b) for
3 serving a capias;

4 (5) the fee for filing an administrative writ of
5 withholding under Section 158.503(d);

6 (6) the fee for issuance of a subpoena as provided by
7 Section 51.318(b)(1), Government Code; and

8 (7) a fee authorized [~~under a local rule~~] for the
9 electronic filing of documents with a clerk.

10 SECTION 14. Section 133.058(d), Local Government Code, is
11 amended to read as follows:

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

14 (1) for the judicial fund; [~~or~~]

15 (2) under Sections 14 and 19, Article 42.12, Code of
16 Criminal Procedure; or

17 (3) under Section 51.851, Government Code.

18 SECTION 15. The imposition of a cost of court on conviction
19 under Section 51.851, Government Code, as added by this Act,
20 applies only to an offense committed on or after the effective date
21 of this Act. An offense committed before the effective date of this
22 Act is covered by the law in effect when the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense was
26 committed before that date.

27 SECTION 16. (a) Section 51.607, Government Code, does not

1 apply to the imposition of a fee assessed under:

2 (1) Section 51.851, Government Code, as added by this
3 Act;

4 (2) Section 101.0211, Government Code, as added by
5 this Act;

6 (3) Section 101.0411, Government Code, as added by
7 this Act;

8 (4) Section 101.06118, Government Code, as added by
9 this Act;

10 (5) Section 101.08117, Government Code, as added by
11 this Act;

12 (6) Section 101.10116, Government Code, as added by
13 this Act;

14 (7) Section 101.12126, Government Code, as added by
15 this Act;

16 (8) Section 101.1411, Government Code, as added by
17 this Act;

18 (9) Section 102.0415, Government Code, as added by
19 this Act;

20 (10) Section 102.0615, Government Code, as added by
21 this Act; or

22 (11) Section 102.082, Government Code, as added by
23 this Act.

24 (b) The changes in law made by this Act apply only to a fee
25 that becomes payable on or after September 1, 2013. A fee that
26 becomes payable before that date is governed by the law in effect
27 when the fee became payable, and the former law is continued in

1 effect for that purpose.

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

12 SECTION 18. This Act takes effect September 1, 2013.