

By: Hunter

H.B. No. 2302

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the statewide electronic filing system fund and to certain court fees and court costs to fund the account; imposing fees.

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

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

SUBCHAPTER I-1. ELECTRONIC FILING FEE

Sec. 51.851. ELECTRONIC FILING FEE. (a) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court shall collect a \$15 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

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

(c) In addition to other court costs, a person shall pay \$5

1 as a court cost on conviction of any criminal offense in a district
2 court, county court, statutory county court, or justice court,
3 including cases in which probation or deferred adjudication is
4 granted. A conviction that arises under Chapter 521,
5 Transportation Code, or a conviction under Subtitle C, Title 7,
6 Transportation Code, is included, except that a conviction arising
7 under any law that regulates pedestrians or the parking of motor
8 vehicles is not included.

9 (d) A court may waive payment of a court cost or fee due
10 under this section for an individual the court determines is
11 indigent.

12 (e) Court costs and fees due under this section shall be
13 collected in the same manner as other fees, fines, or costs in the
14 case.

15 (f) The clerk shall send the court costs and fees collected
16 under this section to the comptroller not later than the last day of
17 the month following each calendar quarter.

18 (g) The comptroller shall deposit the court costs and fees
19 received under this section to the credit of the statewide
20 electronic filing system fund established under Section 51.852.

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

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

27 (1) support a statewide electronic filing technology

1 project for courts in this state;

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

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

7 SECTION 2. Subchapter B, Chapter 101, Government Code, is
8 amended by adding Section 101.0211 to read as follows:

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

13 SECTION 3. Subchapter C, Chapter 101, Government Code, is
14 amended by adding Section 101.0411 to read as follows:

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

19 SECTION 4. Subchapter D, Chapter 101, Government Code, is
20 amended by adding Section 101.06118 to read as follows:

21 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
22 CODE. The clerk of a district court shall collect a statewide
23 electronic filing system fund fee of \$15 under Section 51.851,
24 Government Code.

25 SECTION 5. Subchapter E, Chapter 101, Government Code, is
26 amended by adding Section 101.08117 to read as follows:

27 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:

1 GOVERNMENT CODE. The clerk of a statutory county court shall
2 collect a statewide electronic filing system fund fee of \$15 under
3 Section 51.851, Government Code.

4 SECTION 6. Subchapter F, Chapter 101, Government Code, is
5 amended by adding Section 101.10116 to read as follows:

6 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:
7 GOVERNMENT CODE. The clerk of a statutory probate court shall
8 collect a statewide electronic filing system fund fee of \$15 under
9 Section 51.851, Government Code.

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

12 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
13 CODE. The clerk of a county court shall collect a statewide
14 electronic filing system fund fee of \$15 under Section 51.851,
15 Government Code.

16 SECTION 8. Subchapter H, Chapter 101, Government Code, is
17 amended by adding Section 101.1411 to read as follows:

18 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
19 CODE. The clerk of a justice court shall collect a statewide
20 electronic filing system fund fee of \$5 under Section 51.851,
21 Government Code.

22 SECTION 9. Subchapter C, Chapter 102, Government Code, is
23 amended by adding Section 102.0415 to read as follows:

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

1 SECTION 10. Subchapter D, Chapter 102, Government Code, is
2 amended by adding Section 102.0615 to read as follows:

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

7 SECTION 11. Subchapter E, Chapter 102, Government Code, is
8 amended by adding Section 102.082 to read as follows:

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

13 SECTION 12. Subchapter F, Chapter 102, Government Code, is
14 amended by adding Section 102.1025 to read as follows:

15 Sec. 102.1025. ADDITIONAL COURT COSTS ON CONVICTION IN
16 JUSTICE COURT: GOVERNMENT CODE. The clerk of a justice court shall
17 collect from a defendant a court cost on conviction of \$5 under
18 Section 51.851, Government Code.

19 SECTION 13. Section 133.058(d), Local Government Code, is
20 amended to read as follows:

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

23 (1) for the judicial fund; ~~or~~

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

26 (3) under Section 51.851, Government Code.

27 SECTION 14. The imposition of a cost of court on conviction

1 under Section 51.851, Government Code, as added by this Act,
2 applies only to an offense committed on or after the effective date
3 of this Act. An offense committed before the effective date of this
4 Act is covered by the law in effect when the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense was
8 committed before that date.

9 SECTION 15. (a) Section 51.607, Government Code, does not
10 apply to the imposition of a fee assessed under:

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

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

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

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

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

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

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

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

27 (9) Section 102.0415, Government Code, as added by

1 this Act;

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

4 (11) Section 102.082, Government Code, as added by
5 this Act; or

6 (12) Section 102.1025, Government Code, as added by
7 this Act.

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

13 SECTION 16. This Act takes effect September 1, 2013.