

1-1 By: West, Duncan S.B. No. 1146
 1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
 1-3 first time and referred to Committee on Jurisprudence;
 1-4 April 3, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 3, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 West	X			
1-9 Rodriguez	X			
1-10 Campbell	X			
1-11 Carona			X	
1-12 Garcia	X			
1-13 Hancock			X	
1-14 Paxton	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1146 By: West

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the establishment of the statewide electronic filing
 1-20 system fund and to certain court fees and court costs to fund the
 1-21 account; imposing fees.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 51, Government Code, is amended by
 1-24 adding Subchapter I-1 to read as follows:

1-25 SUBCHAPTER I-1. ELECTRONIC FILING FEE

1-26 Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section,
 1-27 "conviction" has the meaning assigned by Section 133.101, Local
 1-28 Government Code.

1-29 (b) In addition to other fees authorized or required by law,
 1-30 the clerk of the supreme court, a court of appeals, a district
 1-31 court, a county court, a statutory county court, or a statutory
 1-32 probate court shall collect a \$20 fee on the filing of any civil
 1-33 action or proceeding requiring a filing fee, including an appeal,
 1-34 and on the filing of any counterclaim, cross-action, intervention,
 1-35 interpleader, or third-party action requiring a filing fee to be
 1-36 used as provided by Section 51.852.

1-37 (c) In addition to other fees authorized or required by law,
 1-38 the clerk of a justice court shall collect a \$5 fee on the filing of
 1-39 any civil action or proceeding requiring a filing fee, including an
 1-40 appeal, and on the filing of any counterclaim, cross-action,
 1-41 intervention, interpleader, or third-party action requiring a
 1-42 filing fee to be used as provided by Section 51.852.

1-43 (d) In addition to other court costs, a person shall pay \$5
 1-44 as a court cost on conviction of any criminal offense in a district
 1-45 court, county court, or statutory county court.

1-46 (e) A court may waive payment of a court cost or fee due
 1-47 under this section for an individual the court determines is
 1-48 indigent.

1-49 (f) Court costs and fees due under this section shall be
 1-50 collected in the same manner as other fees, fines, or costs in the
 1-51 case.

1-52 (g) The clerk shall send the court costs and fees collected
 1-53 under this section to the comptroller not later than the last day of
 1-54 the month following each calendar quarter.

1-55 (h) The comptroller shall deposit the court costs and fees
 1-56 received under this section to the credit of the statewide
 1-57 electronic filing system fund established under Section 51.852.

1-58 Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND.
 1-59 (a) The statewide electronic filing system fund is an account in
 1-60 the general revenue fund.

2-1 (b) Money in the statewide electronic filing system fund may
 2-2 only be appropriated to the Office of Court Administration of the
 2-3 Texas Judicial System and used to:
 2-4 (1) support a statewide electronic filing technology
 2-5 project for courts in this state;
 2-6 (2) provide grants to counties to implement components
 2-7 of the project; or
 2-8 (3) support court technology projects that have a
 2-9 statewide impact as determined by the office of court
 2-10 administration.
 2-11 SECTION 2. Subchapter B, Chapter 101, Government Code, is
 2-12 amended by adding Section 101.0211 to read as follows:
 2-13 Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT
 2-14 CODE. The clerk of the supreme court shall collect a statewide
 2-15 electronic filing system fund fee of \$20 under Section 51.851,
 2-16 Government Code.
 2-17 SECTION 3. Subchapter C, Chapter 101, Government Code, is
 2-18 amended by adding Section 101.0411 to read as follows:
 2-19 Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES:
 2-20 GOVERNMENT CODE. The clerk of a court of appeals shall collect a
 2-21 statewide electronic filing system fund fee of \$20 under Section
 2-22 51.851, Government Code.
 2-23 SECTION 4. Subchapter D, Chapter 101, Government Code, is
 2-24 amended by adding Section 101.06118 to read as follows:
 2-25 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
 2-26 CODE. The clerk of a district court shall collect a statewide
 2-27 electronic filing system fund fee of \$20 under Section 51.851,
 2-28 Government Code.
 2-29 SECTION 5. Subchapter E, Chapter 101, Government Code, is
 2-30 amended by adding Section 101.08117 to read as follows:
 2-31 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:
 2-32 GOVERNMENT CODE. The clerk of a statutory county court shall
 2-33 collect a statewide electronic filing system fund fee of \$20 under
 2-34 Section 51.851, Government Code.
 2-35 SECTION 6. Subchapter F, Chapter 101, Government Code, is
 2-36 amended by adding Section 101.10116 to read as follows:
 2-37 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:
 2-38 GOVERNMENT CODE. The clerk of a statutory probate court shall
 2-39 collect a statewide electronic filing system fund fee of \$20 under
 2-40 Section 51.851, Government Code.
 2-41 SECTION 7. Subchapter G, Chapter 101, Government Code, is
 2-42 amended by adding Section 101.12126 to read as follows:
 2-43 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
 2-44 CODE. The clerk of a county court shall collect a statewide
 2-45 electronic filing system fund fee of \$20 under Section 51.851,
 2-46 Government Code.
 2-47 SECTION 8. Subchapter H, Chapter 101, Government Code, is
 2-48 amended by adding Section 101.1411 to read as follows:
 2-49 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
 2-50 CODE. The clerk of a justice court shall collect a statewide
 2-51 electronic filing system fund fee of \$5 under Section 51.851,
 2-52 Government Code.
 2-53 SECTION 9. Subchapter C, Chapter 102, Government Code, is
 2-54 amended by adding Section 102.0415 to read as follows:
 2-55 Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN
 2-56 DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court
 2-57 shall collect from a defendant a court cost on conviction of \$5
 2-58 under Section 51.851, Government Code.
 2-59 SECTION 10. Subchapter D, Chapter 102, Government Code, is
 2-60 amended by adding Section 102.0615 to read as follows:
 2-61 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN
 2-62 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory
 2-63 county court shall collect from a defendant a court cost on
 2-64 conviction of \$5 under Section 51.851, Government Code.
 2-65 SECTION 11. Subchapter E, Chapter 102, Government Code, is
 2-66 amended by adding Section 102.082 to read as follows:
 2-67 Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN
 2-68 COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall
 2-69 collect from a defendant a court cost on conviction of \$5 under

3-1 Section 51.851, Government Code.

3-2 SECTION 12. Subsection (d), Section 133.058, Local
3-3 Government Code, is amended to read as follows:

3-4 (d) A county may not retain a service fee on the collection
3-5 of a fee:

- 3-6 (1) for the judicial fund; ~~or~~
- 3-7 (2) under Sections 14 and 19, Article 42.12, Code of
3-8 Criminal Procedure; or
- 3-9 (3) under Section 51.851, Government Code.

3-10 SECTION 13. Subsection (a), Section 33.48, Tax Code, is
3-11 amended to read as follows:

3-12 (a) In addition to other costs authorized by law, a taxing
3-13 unit is entitled to recover the following costs and expenses in a
3-14 suit to collect a delinquent tax:

- 3-15 (1) all usual court costs, including the cost of
3-16 serving process and electronic filing fees;
- 3-17 (2) costs of filing for record a notice of lis pendens
3-18 against property;
- 3-19 (3) expenses of foreclosure sale;
- 3-20 (4) reasonable expenses that are incurred by the
3-21 taxing unit in determining the name, identity, and location of
3-22 necessary parties and in procuring necessary legal descriptions of
3-23 the property on which a delinquent tax is due;
- 3-24 (5) attorney's fees in the amount of 15 percent of the
3-25 total amount of taxes, penalties, and interest due the unit; and
- 3-26 (6) reasonable attorney ad litem fees approved by the
3-27 court that are incurred in a suit in which the court orders the
3-28 appointment of an attorney to represent the interests of a
3-29 defendant served with process by means of citation by publication
3-30 or posting.

3-31 SECTION 14. Subsection (a), Section 33.49, Tax Code, is
3-32 amended to read as follows:

3-33 (a) Except as provided by Subsection (b), a taxing unit is
3-34 not liable in a suit to collect taxes for court costs, including any
3-35 fees for service of process, electronic filing, an attorney ad
3-36 litem, arbitration, or mediation, and may not be required to post
3-37 security for costs.

3-38 SECTION 15. The imposition of a cost of court on conviction
3-39 under Section 51.851, Government Code, as added by this Act,
3-40 applies only to an offense committed on or after the effective date
3-41 of this Act. An offense committed before the effective date of this
3-42 Act is covered by the law in effect when the offense was committed,
3-43 and the former law is continued in effect for that purpose. For
3-44 purposes of this section, an offense was committed before the
3-45 effective date of this Act if any element of the offense was
3-46 committed before that date.

3-47 SECTION 16. (a) Section 51.607, Government Code, does not
3-48 apply to the imposition of a fee assessed under:

- 3-49 (1) Section 51.851, Government Code, as added by this
3-50 Act;
- 3-51 (2) Section 101.0211, Government Code, as added by
3-52 this Act;
- 3-53 (3) Section 101.0411, Government Code, as added by
3-54 this Act;
- 3-55 (4) Section 101.06118, Government Code, as added by
3-56 this Act;
- 3-57 (5) Section 101.08117, Government Code, as added by
3-58 this Act;
- 3-59 (6) Section 101.10116, Government Code, as added by
3-60 this Act;
- 3-61 (7) Section 101.12126, Government Code, as added by
3-62 this Act;
- 3-63 (8) Section 101.1411, Government Code, as added by
3-64 this Act;
- 3-65 (9) Section 102.0415, Government Code, as added by
3-66 this Act;
- 3-67 (10) Section 102.0615, Government Code, as added by
3-68 this Act; or
- 3-69 (11) Section 102.082, Government Code, as added by

4-1 this Act.

4-2 (b) The changes in law made by this Act apply only to a fee
4-3 that becomes payable on or after September 1, 2013. A fee that
4-4 becomes payable before that date is governed by the law in effect
4-5 when the fee became payable, and the former law is continued in
4-6 effect for that purpose.

4-7 SECTION 17. This Act takes effect September 1, 2013.

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