

By: Taylor of Galveston, et al.
(Bonnen of Galveston)

S.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.

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

SECTION 1. Subchapter B, Chapter 1053, Estates Code, is amended by adding Sections 1053.053 and 1053.054 to read as follows:

Sec. 1053.053. EXEMPTION FROM GUARDIANSHIP PROCEEDING FEES FOR CERTAIN MILITARY SERVICEMEMBERS. (a) In this section, "combat zone" means an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat.

(b) Notwithstanding any other law, the clerk of a county court may not charge, or collect from, the estate of a proposed ward or ward any of the following fees if the court finds that the proposed ward or ward became incapacitated as a result of a personal injury sustained while in active service as a member of the armed forces of the United States in a combat zone:

(1) a fee for the filing of a guardianship proceeding;
and

(2) a fee for any service rendered by the court regarding the administration of the guardianship.

1 (c) The clerk of a county court is not required to refund a
2 fee exempt under this section that is paid before September 1, 2017.
3 This subsection expires September 1, 2019.

4 Sec. 1053.054. EXEMPTION FROM GUARDIANSHIP FEES FOR CERTAIN
5 LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS. (a) In this
6 section:

7 (1) "Eligible proposed ward" or "eligible ward" means
8 an individual listed in Section 615.003, Government Code.

9 (2) "Line of duty" and "personal injury" have the
10 meanings assigned by Section 615.021(e), Government Code.

11 (b) Notwithstanding any other law, the clerk of a court may
12 not charge, or collect from, the estate of an eligible proposed ward
13 or eligible ward any of the following fees if the court finds the
14 proposed ward or ward became incapacitated as a result of a personal
15 injury sustained in the line of duty in the individual's position as
16 described by Section 615.003, Government Code:

17 (1) a fee for the filing of a guardianship proceeding;
18 and

19 (2) a fee for any service rendered by the court
20 regarding the administration of the guardianship.

21 (c) The clerk of a county court is not required to refund a
22 fee exempt under this section that is paid before September 1, 2017.
23 This subsection expires September 1, 2019.

24 SECTION 2. The changes in law made by this Act apply to a
25 guardianship proceeding that is pending or commenced on or after
26 the effective date of this Act.

27 SECTION 3. This Act takes effect September 1, 2017.