By:  Zaffirini S.B. No. 658

(In the Senate - Filed February 5, 2019; March 1, 2019, read first time and referred to Committee on State Affairs; April 3, 2019, reported favorably by the following vote: Yeas 8, Nays 0; April 3, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes                    X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to making permanent the former temporary increases in records archive fees and records management and preservation fees charged by district and county clerks.

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

SECTION 1.  Section 51.305(b), Government Code, as effective September 1, 2019, is amended to read as follows:

(b)  The commissioners court of a county may adopt a district court records archive fee of not more than $10 [~~$5~~] for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 2.  Section 51.317(b), Government Code, as effective September 1, 2019, is amended to read as follows:

(b)  The fees are:

(1)  except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, $50;

(2)  for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, $15;

(3)  for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, $8;

(4)  for records management and preservation, $10; and

(5)  in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed $10 [~~$5~~], for court records archiving.

SECTION 3.  Section 101.0611, Government Code, as effective September 1, 2019, is amended to read as follows:

Sec. 101.0611.  DISTRICT COURT FEES AND COSTS:  GOVERNMENT CODE.  The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1)  appellate judicial system filing fees for:

(A)  First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than $5;

(B)  Second Court of Appeals District (Sec. 22.2031, Government Code) . . . $5;

(C)  Third Court of Appeals District (Sec. 22.2041, Government Code) . . . $5;

(D)  Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than $5;

(E)  Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than $5;

(E-1)  Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . $5;

(E-2)  Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . $5;

(E-3)  Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . $5;

(F)  Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . $5;

(G)  Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . $5;

(G-1)  Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . $5; and

(H)  Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than $5;

(2)  when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3)  additional filing fees:

(A)  for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed $5;

(B)  to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than $15;

(B-1)  to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than $15;

(C)  to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than $15;

(D)  to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than $10;

(E)  to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) . . . not more than $15;

(F)  to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than $15;

(G)  to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20; and

(H)  to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20;

(4)  for filing a suit, including an appeal from an inferior court:

(A)  for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . $50;

(B)  for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . $75;

(C)  for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . $100;

(D)  for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . $125;

(E)  for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . $150; or

(F)  for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . $200;

(5)  for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . $15;

(6)  for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . $8;

(7)  for records management and preservation (Sec. 51.317, Government Code) . . . $10;

(7-a)  for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than $10 [~~$5~~];

(8)  for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . $8;

(9)  for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . $8;

(10)  for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . $5;

(11)  for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . $5;

(12)  for abstracting a judgment (Sec. 51.318, Government Code) . . . $8;

(13)  for approving a bond (Sec. 51.318, Government Code) . . . $4;

(14)  for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed $1;

(15)  for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed $1;

(16)  fee for performing a service:

(A)  related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B)  related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C)  of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code;

(D)  prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee; and

(E)  related to a matter filed in a statutory county court (Sec. 51.319, Government Code) . . . the same fees allowed the district clerk for those services in the district court;

(17)  jury fee (Sec. 51.604, Government Code) . . . $40;

(18)  additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed $15;

(19)  at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) . . . as assessed by the referring court or associate judge; and

(20)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

SECTION 4.  Section 103.027(a), Government Code, as effective September 1, 2019, is amended to read as follows:

(a)  Fees and costs shall be paid or collected under the Government Code as follows:

(1)  filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . $15;

(2)  cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . $15, provided the cost does not exceed $30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3)  to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . $250 except as waived or reduced under supreme court rules for representing an indigent person;

(4)  on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) . . . as assessed by the court, all or part of the cost of preparation;

(5)  a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed $1,000;

(6)  an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) . . . the amount necessary to cover the costs of testing, counseling, and treatment;

(7)  a reasonable program fee for a veterans treatment court program (Sec. 124.005, Government Code) . . . not to exceed $1,000;

(8)  a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans treatment court program (Sec. 124.005, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment;

(9)  a nonrefundable program fee for a commercially sexually exploited persons court program (Sec. 126.006, Government Code) . . . a reasonable amount not to exceed $1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee; and

(10)  a district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court (Sec. 51.305, Government Code) . . . not more than $10 [~~$5~~].

SECTION 5.  Sections 118.011(b) and (f), Local Government Code, as effective September 1, 2019, are amended to read as follows:

(b)  The county clerk may set and collect the following fee from any person:

(1)  Returned Check (Sec. 118.0215)  . . . . . . not less than $15 or more than $30

(2)  Records Management and Preservation Fee (Sec. 118.0216)  . . . . . . . . . . . . . . . . . . . . . . . not more than $10 [~~$5~~]

(3)  Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217)  . . . . . not more than $2

(4)  Marriage License for Out-of-State Applicants (Sec. 118.018) . . . . . . . . . . . . . . . . . . . . . . . . $100

(f)  The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

(1)  Records Archive Fee (Sec. 118.025) . . . . . . . not more than $10 [~~$5~~]

(2)  Records Technology and Infrastructure Fee (Sec. 118.026) . . . . . . . $2.00

SECTION 6.  Section 51.607, Government Code, does not apply to a court fee assessed under a statute amended by this Act.

SECTION 7.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.  This Act takes effect September 1, 2019.

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