

By: Clardy

H.B. No. 686

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,

1 intervention, contempt action, motion for new trial, or third-party
2 petition, \$15;

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

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

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

13 SECTION 3. Section [101.0611](#), Government Code, as effective
14 September 1, 2019, is amended to read as follows:

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

18 (1) appellate judicial system filing fees for:

19 (A) First or Fourteenth Court of Appeals District
20 (Sec. [22.2021](#), Government Code) . . . not more than \$5;

21 (B) Second Court of Appeals District (Sec.
22 [22.2031](#), Government Code) . . . \$5;

23 (C) Third Court of Appeals District (Sec.
24 [22.2041](#), Government Code) . . . \$5;

25 (D) Fourth Court of Appeals District (Sec.
26 [22.2051](#), Government Code) . . . not more than \$5;

27 (E) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5;
2 (E-1) Sixth Court of Appeals District (Sec.
3 22.2071, Government Code) . . . \$5;
4 (E-2) Seventh Court of Appeals District (Sec.
5 22.2081, Government Code) . . . \$5;
6 (E-3) Eighth Court of Appeals District (Sec.
7 22.2091, Government Code) . . . \$5;
8 (F) Ninth Court of Appeals District (Sec.
9 22.2101, Government Code) . . . \$5;
10 (G) Eleventh Court of Appeals District (Sec.
11 22.2121, Government Code) . . . \$5;
12 (G-1) Twelfth Court of Appeals District (Sec.
13 22.2131, Government Code) . . . \$5; and
14 (H) Thirteenth Court of Appeals District (Sec.
15 22.2141, Government Code) . . . not more than \$5;
16 (2) when administering a case for the Rockwall County
17 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
18 court costs as if the case had been filed in district court;
19 (3) additional filing fees:
20 (A) for each suit filed for insurance contingency
21 fund, if authorized by the county commissioners court (Sec. 51.302,
22 Government Code) . . . not to exceed \$5;
23 (B) to fund the improvement of Dallas County
24 civil court facilities, if authorized by the county commissioners
25 court (Sec. 51.705, Government Code) . . . not more than \$15;
26 (B-1) to fund the improvement of Bexar County
27 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

1 other writ or process not otherwise provided for, including one
2 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

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

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

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

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

13 (14) for a certified copy of a record, judgment,
14 order, pleading, or paper on file or of record in the district
15 clerk's office, including certificate and seal, for each page or
16 part of a page (Sec. 51.318, Government Code) . . . not to exceed
17 \$1;

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

20 (16) fee for performing a service:

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

24 (B) related to the matter of a minor (Sec.
25 51.319, Government Code) . . . the same fee allowed the county
26 clerk for the service;

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

4 (2) cost paid by each surety posting the bail bond for
5 an offense other than a misdemeanor punishable by fine only under
6 Chapter [17](#), Code of Criminal Procedure, for the assistant
7 prosecutor supplement fund and the fair defense account (Sec.
8 [41.258](#), Government Code) . . . \$15, provided the cost does not
9 exceed \$30 for all bail bonds posted at that time for an individual
10 and the cost is not required on the posting of a personal or cash
11 bond;

12 (3) to participate in a court proceeding in this
13 state, a nonresident attorney fee (Sec. [82.0361](#), Government Code)
14 . . . \$250 except as waived or reduced under supreme court rules for
15 representing an indigent person;

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

22 (5) a program fee for a drug court program (Sec.
23 [123.004](#), Government Code) . . . not to exceed \$1,000;

24 (6) an alcohol or controlled substance testing,
25 counseling, and treatment fee (Sec. [123.004](#), Government Code) . . .
26 the amount necessary to cover the costs of testing, counseling, and
27 treatment;

1 (7) a reasonable program fee for a veterans treatment
2 court program (Sec. 124.005, Government Code) . . . not to exceed
3 \$1,000;

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

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

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

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

27 (b) The county clerk may set and collect the following fee

1 from any person:

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

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

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

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

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

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

16 (2) Records Technology and Infrastructure Fee (Sec.
17 118.026) \$2.00

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

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

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