

By: Murr

H.B. No. 1380

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of certain courts and fees collected by a justice court; increasing a fee.

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

SECTION 1. Section 26.042, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A county court in a county with a population of less than 250,000 has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~], exclusive of interest.

(a-1) A county court in a county with a population of 250,000 or more has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest.

SECTION 2. Section 27.031, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court in a county with a population of less than 250,000 has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$20,000 [~~\$10,000~~], exclusive of

1 interest;

2 (2) cases of forcible entry and detainer;

3 (3) foreclosure of mortgages and enforcement of liens  
4 on personal property in cases in which the amount in controversy is  
5 otherwise within the justice court's jurisdiction; and

6 (4) cases arising under Chapter 707, Transportation  
7 Code, outside a municipality's territorial limits.

8 (a-1) In addition to the jurisdiction and powers provided by  
9 the constitution and other law, the justice court in a county with a  
10 population of 250,000 or more has original jurisdiction of:

11 (1) civil matters in which exclusive jurisdiction is  
12 not in the district or county court and in which the amount in  
13 controversy is not more than \$10,000, exclusive of interest;

14 (2) cases of forcible entry and detainer;

15 (3) foreclosure of mortgages and enforcement of liens  
16 on personal property in cases in which the amount in controversy is  
17 otherwise within the justice court's jurisdiction; and

18 (4) cases arising under Chapter 707, Transportation  
19 Code, outside a municipality's territorial limits.

20 SECTION 3. Section 118.121, Local Government Code, is  
21 amended to read as follows:

22 Sec. 118.121. FEE SCHEDULE. A justice of the peace shall  
23 collect the following fees for services rendered to any person:

24 (1) Services rendered before judgment (Sec. 118.122)

25 [+]

26 [~~(A) Justice court~~] . . . . . \$50.00 [~~\$25.00~~]

27 [~~(B) Small claims court~~] . . . . . \$25.00

(2) Services rendered after judgment (Sec. 118.123):

(A) Transcript . . . . . \$10.00

(B) Abstract of judgment . . . . . \$5.00

(C) Execution, order of sale, writ of restitution, or other writ or process . . . . . \$5.00 per page

Certified copy of court papers . . \$2.00 for first page

\$0.25 for each additional page

Issuing other document

(no return required) . . . . . \$1.00 for first page

\$0.25 for each additional page

SECTION 4. Section 118.122(a), Local Government Code, is amended to read as follows:

(a) The fee for "Services rendered before judgment" under Section 118.121(1) is for all required filings of documents, including the filing of a counterclaim, and all other processes and procedures in a civil matter in a justice court [~~or small claims court~~].

SECTION 5. Section 118.123(a), Local Government Code, is amended to read as follows:

(a) The fee for "Services rendered after judgment" under Section 118.121(2) applies to a civil matter in a justice court [~~or small claims court~~].

SECTION 6. Section 118.1235, Local Government Code, is amended to read as follows:

Sec. 118.1235. FEE FOR CERTIFIED COPY. The fee for

1 "Certified copy of court papers" under Section 118.121(2) is for  
2 issuing a certified copy of a paper filed in a justice court [~~or a~~  
3 ~~small claims court~~]. The fee must be paid at the time the order is  
4 placed.

5 SECTION 7. The heading to Subchapter H, Chapter 101,  
6 Government Code, is amended to read as follows:

7 SUBCHAPTER H. JUSTICE COURTS [~~AND SMALL CLAIMS COURTS~~]

8 SECTION 8. The heading to Section 101.141, Government Code,  
9 is amended to read as follows:

10 Sec. 101.141. JUSTICE COURT [~~AND SMALL CLAIMS COURT~~] FEES  
11 AND COSTS COLLECTED BY CLERK.

12 SECTION 9. The heading to Section 101.151, Government Code,  
13 is amended to read as follows:

14 Sec. 101.151. JUSTICE COURT [~~AND SMALL CLAIMS COURT~~] FEES  
15 COLLECTED BY JUSTICE OF THE PEACE.

16 SECTION 10. Section 101.151(a), Government Code, is amended  
17 to read as follows:

18 (a) A justice of the peace shall collect the following fees  
19 under the Local Government Code:

20 (1) services rendered before judgment (Secs. 118.121  
21 and 118.122, Local Government Code) [~~+~~

22 [~~(A) justice court (Sec. 118.121, Local~~  
23 ~~Government Code)~~] . . . \$50 [~~\$25, and~~

24 [~~(B) small claims court (Sec. 118.121, Local~~  
25 ~~Government Code)~~] . . . \$25]; and

26 (2) services rendered after judgment (Secs. 118.121  
27 and 118.123, Local Government Code):

1 (A) transcript (Sec. 118.121, Local Government  
2 Code) . . . \$10;

3 (B) abstract of judgment (Sec. 118.121, Local  
4 Government Code) . . . \$5;

5 (C) execution, order of sale, writ of  
6 restitution, or other writ or process (Sec. 118.121, Local  
7 Government Code) . . . \$5 per page;

8 (D) certified copy of court papers (Secs. 118.121  
9 and 118.1235, Local Government Code) . . . \$2 for first page; \$0.25  
10 for each additional page; and

11 (E) issuing other document (no return required)  
12 (Sec. 118.121, Local Government Code) . . . \$1 for first page;  
13 \$0.25 for each additional page.

14 SECTION 11. Sections 26.042(a) and 27.031(a), Government  
15 Code, as amended by this Act, apply only to a cause of action filed  
16 on or after the effective date of this Act. A cause of action filed  
17 before the effective date of this Act is governed by the law in  
18 effect immediately before the effective date of this Act, and that  
19 law is continued in effect for that purpose.

20 SECTION 12. This Act takes effect September 1, 2019.