

1-1 By: Zaffirini S.B. No. 658
 1-2 (In the Senate - Filed February 5, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 3, 2019, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 3, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hughes			X	
1-9 Birdwell	X			
1-10 Creighton	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Lucio	X			
1-14 Nelson	X			
1-15 Zaffirini	X			

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

1-19 relating to making permanent the former temporary increases in
 1-20 records archive fees and records management and preservation fees
 1-21 charged by district and county clerks.

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

1-23 SECTION 1. Section 51.305(b), Government Code, as effective
 1-24 September 1, 2019, is amended to read as follows:

1-25 (b) The commissioners court of a county may adopt a district
 1-26 court records archive fee of not more than \$10 [~~\$5~~] for the filing
 1-27 of a suit, including an appeal from an inferior court, or a
 1-28 cross-action, counterclaim, intervention, contempt action, motion
 1-29 for new trial, or third-party petition, in any court in the county
 1-30 for which the district clerk accepts filings as part of the county's
 1-31 annual budget. The fee must be set and itemized in the county's
 1-32 budget as part of the budget preparation process and must be
 1-33 approved in a public meeting. The fee is for preservation and
 1-34 restoration services performed in connection with maintaining a
 1-35 district court records archive.

1-36 SECTION 2. Section 51.317(b), Government Code, as effective
 1-37 September 1, 2019, is amended to read as follows:

1-38 (b) The fees are:

1-39 (1) except as provided by Subsection (b-1), for filing
 1-40 a suit, including an appeal from an inferior court, \$50;

1-41 (2) for filing a cross-action, counterclaim,
 1-42 intervention, contempt action, motion for new trial, or third-party
 1-43 petition, \$15;

1-44 (3) for issuing a citation or other writ or process not
 1-45 otherwise provided for, including one copy, when requested at the
 1-46 time a suit or action is filed, \$8;

1-47 (4) for records management and preservation, \$10; and

1-48 (5) in addition to the other fees imposed under this
 1-49 section, for filing a suit, including an appeal from an inferior
 1-50 court, or a cross-action, counterclaim, intervention, contempt
 1-51 action, motion for new trial, or third-party petition, the amount
 1-52 adopted by the county commissioners court, not to exceed \$10 [~~\$5~~],
 1-53 for court records archiving.

1-54 SECTION 3. Section 101.0611, Government Code, as effective
 1-55 September 1, 2019, is amended to read as follows:

1-56 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
 1-57 CODE. The clerk of a district court shall collect fees and costs
 1-58 under the Government Code as follows:

1-59 (1) appellate judicial system filing fees for:

1-60 (A) First or Fourteenth Court of Appeals District
 1-61 (Sec. 22.2021, Government Code) . . . not more than \$5;

- 2-1 (B) Second Court of Appeals District (Sec.
- 2-2 [22.2031](#), Government Code) . . . \$5;
- 2-3 (C) Third Court of Appeals District (Sec.
- 2-4 [22.2041](#), Government Code) . . . \$5;
- 2-5 (D) Fourth Court of Appeals District (Sec.
- 2-6 [22.2051](#), Government Code) . . . not more than \$5;
- 2-7 (E) Fifth Court of Appeals District (Sec.
- 2-8 [22.2061](#), Government Code) . . . not more than \$5;
- 2-9 (E-1) Sixth Court of Appeals District (Sec.
- 2-10 [22.2071](#), Government Code) . . . \$5;
- 2-11 (E-2) Seventh Court of Appeals District (Sec.
- 2-12 [22.2081](#), Government Code) . . . \$5;
- 2-13 (E-3) Eighth Court of Appeals District (Sec.
- 2-14 [22.2091](#), Government Code) . . . \$5;
- 2-15 (F) Ninth Court of Appeals District (Sec.
- 2-16 [22.2101](#), Government Code) . . . \$5;
- 2-17 (G) Eleventh Court of Appeals District (Sec.
- 2-18 [22.2121](#), Government Code) . . . \$5;
- 2-19 (G-1) Twelfth Court of Appeals District (Sec.
- 2-20 [22.2131](#), Government Code) . . . \$5; and
- 2-21 (H) Thirteenth Court of Appeals District (Sec.
- 2-22 [22.2141](#), Government Code) . . . not more than \$5;
- 2-23 (2) when administering a case for the Rockwall County
- 2-24 Court at Law (Sec. [25.2012](#), Government Code) . . . civil fees and
- 2-25 court costs as if the case had been filed in district court;
- 2-26 (3) additional filing fees:
- 2-27 (A) for each suit filed for insurance contingency
- 2-28 fund, if authorized by the county commissioners court (Sec. [51.302](#),
- 2-29 Government Code) . . . not to exceed \$5;
- 2-30 (B) to fund the improvement of Dallas County
- 2-31 civil court facilities, if authorized by the county commissioners
- 2-32 court (Sec. [51.705](#), Government Code) . . . not more than \$15;
- 2-33 (B-1) to fund the improvement of Bexar County
- 2-34 court facilities, if authorized by the county commissioners court
- 2-35 (Sec. [51.706](#), Government Code) . . . not more than \$15;
- 2-36 (C) to fund the improvement of Hays County court
- 2-37 facilities, if authorized by the county commissioners court (Sec.
- 2-38 [51.707](#), Government Code) . . . not more than \$15;
- 2-39 (D) to fund the preservation of court records
- 2-40 (Sec. [51.708](#), Government Code) . . . not more than \$10;
- 2-41 (E) to fund the construction, renovation, or
- 2-42 improvement of Rockwall County court facilities, if authorized by
- 2-43 the county commissioners court (Sec. [51.709](#), Government Code) . . .
- 2-44 not more than \$15;
- 2-45 (F) to fund the construction, renovation, or
- 2-46 improvement of Travis County court facilities, if authorized by the
- 2-47 county commissioners court (Sec. [51.710](#), Government Code) . . . not
- 2-48 more than \$15;
- 2-49 (G) to fund the construction, renovation, or
- 2-50 improvement of Hidalgo County court facilities, if authorized by
- 2-51 the county commissioners court (Sec. [51.711](#), Government Code) . . .
- 2-52 not more than \$20; and
- 2-53 (H) to fund the construction, renovation, or
- 2-54 improvement of Cameron County court facilities, if authorized by
- 2-55 the county commissioners court (Sec. [51.711](#), Government Code) . . .
- 2-56 not more than \$20;
- 2-57 (4) for filing a suit, including an appeal from an
- 2-58 inferior court:
- 2-59 (A) for a suit with 10 or fewer plaintiffs (Sec.
- 2-60 [51.317](#), Government Code) . . . \$50;
- 2-61 (B) for a suit with at least 11 but not more than
- 2-62 25 plaintiffs (Sec. [51.317](#), Government Code) . . . \$75;
- 2-63 (C) for a suit with at least 26 but not more than
- 2-64 100 plaintiffs (Sec. [51.317](#), Government Code) . . . \$100;
- 2-65 (D) for a suit with at least 101 but not more than
- 2-66 500 plaintiffs (Sec. [51.317](#), Government Code) . . . \$125;
- 2-67 (E) for a suit with at least 501 but not more than
- 2-68 1,000 plaintiffs (Sec. [51.317](#), Government Code) . . . \$150; or
- 2-69 (F) for a suit with more than 1,000 plaintiffs

- 3-1 (Sec. 51.317, Government Code) . . . \$200;
- 3-2 (5) for filing a cross-action, counterclaim,
- 3-3 intervention, contempt action, motion for new trial, or third-party
- 3-4 petition (Sec. 51.317, Government Code) . . . \$15;
- 3-5 (6) for issuing a citation or other writ or process not
- 3-6 otherwise provided for, including one copy, when requested at the
- 3-7 time a suit or action is filed (Sec. 51.317, Government Code) . . .
- 3-8 \$8;
- 3-9 (7) for records management and preservation (Sec.
- 3-10 51.317, Government Code) . . . \$10;
- 3-11 (7-a) for district court records archiving, if adopted
- 3-12 by the county commissioners court (Sec. 51.317(b)(5), Government
- 3-13 Code) . . . not more than \$10 [~~\$5~~];
- 3-14 (8) for issuing a subpoena, including one copy (Sec.
- 3-15 51.318, Government Code) . . . \$8;
- 3-16 (9) for issuing a citation, commission for deposition,
- 3-17 writ of execution, order of sale, writ of execution and order of
- 3-18 sale, writ of injunction, writ of garnishment, writ of attachment,
- 3-19 or writ of sequestration not provided for in Section 51.317, or any
- 3-20 other writ or process not otherwise provided for, including one
- 3-21 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 3-22 (10) for searching files or records to locate a cause
- 3-23 when the docket number is not provided (Sec. 51.318, Government
- 3-24 Code) . . . \$5;
- 3-25 (11) for searching files or records to ascertain the
- 3-26 existence of an instrument or record in the district clerk's office
- 3-27 (Sec. 51.318, Government Code) . . . \$5;
- 3-28 (12) for abstracting a judgment (Sec. 51.318,
- 3-29 Government Code) . . . \$8;
- 3-30 (13) for approving a bond (Sec. 51.318, Government
- 3-31 Code) . . . \$4;
- 3-32 (14) for a certified copy of a record, judgment,
- 3-33 order, pleading, or paper on file or of record in the district
- 3-34 clerk's office, including certificate and seal, for each page or
- 3-35 part of a page (Sec. 51.318, Government Code) . . . not to exceed
- 3-36 \$1;
- 3-37 (15) for a noncertified copy, for each page or part of
- 3-38 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 3-39 (16) fee for performing a service:
- 3-40 (A) related to the matter of the estate of a
- 3-41 deceased person (Sec. 51.319, Government Code) . . . the same fee
- 3-42 allowed the county clerk for those services;
- 3-43 (B) related to the matter of a minor (Sec.
- 3-44 51.319, Government Code) . . . the same fee allowed the county
- 3-45 clerk for the service;
- 3-46 (C) of serving process by certified or registered
- 3-47 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
- 3-48 constable is authorized to charge for the service under Section
- 3-49 118.131, Local Government Code;
- 3-50 (D) prescribed or authorized by law but for which
- 3-51 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
- 3-52 and
- 3-53 (E) related to a matter filed in a statutory
- 3-54 county court (Sec. 51.319, Government Code) . . . the same fees
- 3-55 allowed the district clerk for those services in the district
- 3-56 court;
- 3-57 (17) jury fee (Sec. 51.604, Government Code) . . .
- 3-58 \$40;
- 3-59 (18) additional filing fee for family protection on
- 3-60 filing a suit for dissolution of a marriage under Chapter 6, Family
- 3-61 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;
- 3-62 (19) at a hearing held by an associate judge appointed
- 3-63 under Subchapter B, Chapter 54A, Government Code, a court cost to
- 3-64 preserve the record, in the absence of a court reporter, by any
- 3-65 means approved by the associate judge (Sec. 54A.110, Government
- 3-66 Code) . . . as assessed by the referring court or associate judge;
- 3-67 and
- 3-68 (20) statewide electronic filing system fund fee (Sec.
- 3-69 51.851, Government Code) . . . \$30.

4-1 SECTION 4. Section 103.027(a), Government Code, as
4-2 effective September 1, 2019, is amended to read as follows:

4-3 (a) Fees and costs shall be paid or collected under the
4-4 Government Code as follows:

4-5 (1) filing a certified copy of a judicial finding of
4-6 fact and conclusion of law if charged by the secretary of state
4-7 (Sec. 51.905, Government Code) . . . \$15;

4-8 (2) cost paid by each surety posting the bail bond for
4-9 an offense other than a misdemeanor punishable by fine only under
4-10 Chapter 17, Code of Criminal Procedure, for the assistant
4-11 prosecutor supplement fund and the fair defense account (Sec.
4-12 41.258, Government Code) . . . \$15, provided the cost does not
4-13 exceed \$30 for all bail bonds posted at that time for an individual
4-14 and the cost is not required on the posting of a personal or cash
4-15 bond;

4-16 (3) to participate in a court proceeding in this
4-17 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
4-18 . . . \$250 except as waived or reduced under supreme court rules for
4-19 representing an indigent person;

4-20 (4) on a party's appeal of a final decision in a
4-21 contested case, the cost of preparing the original or a certified
4-22 copy of the record of the agency proceeding, if required by the
4-23 agency's rule, as a court cost (Sec. 2001.177, Government Code)
4-24 . . . as assessed by the court, all or part of the cost of
4-25 preparation;

4-26 (5) a program fee for a drug court program (Sec.
4-27 123.004, Government Code) . . . not to exceed \$1,000;

4-28 (6) an alcohol or controlled substance testing,
4-29 counseling, and treatment fee (Sec. 123.004, Government Code) . . .
4-30 the amount necessary to cover the costs of testing, counseling, and
4-31 treatment;

4-32 (7) a reasonable program fee for a veterans treatment
4-33 court program (Sec. 124.005, Government Code) . . . not to exceed
4-34 \$1,000;

4-35 (8) a testing, counseling, and treatment fee for
4-36 testing, counseling, or treatment performed or provided under a
4-37 veterans treatment court program (Sec. 124.005, Government Code)
4-38 . . . the amount necessary to cover the costs of testing,
4-39 counseling, or treatment;

4-40 (9) a nonrefundable program fee for a commercially
4-41 sexually exploited persons court program (Sec. 126.006, Government
4-42 Code) . . . a reasonable amount not to exceed \$1,000, which must
4-43 include a counseling and services fee in an amount necessary to
4-44 cover the costs of counseling and services provided by the program,
4-45 a victim services fee in an amount equal to 10 percent of the total
4-46 fee, and a law enforcement training fee in an amount equal to five
4-47 percent of the total fee; and

4-48 (10) a district court records archive fee for the
4-49 filing of a suit, including an appeal from an inferior court, or a
4-50 cross-action, counterclaim, intervention, contempt action, motion
4-51 for new trial, or third-party petition, in any court in the county
4-52 for which the district clerk accepts filings, if authorized by the
4-53 county commissioners court (Sec. 51.305, Government Code) . . . not
4-54 more than \$10 [~~\$5~~].

4-55 SECTION 5. Sections 118.011(b) and (f), Local Government
4-56 Code, as effective September 1, 2019, are amended to read as
4-57 follows:

4-58 (b) The county clerk may set and collect the following fee
4-59 from any person:

4-60 (1) Returned Check (Sec. 118.0215) not
4-61 less than \$15 or more than \$30

4-62 (2) Records Management and Preservation Fee (Sec.
4-63 118.0216) not more
4-64 than \$10 [~~\$5~~]

4-65 (3) Mental Health Background Check for License to
4-66 Carry a Handgun (Sec. 118.0217) not more than \$2

4-67 (4) Marriage License for Out-of-State Applicants
4-68 (Sec. 118.018) \$100

4-69 (f) The county clerk of a county shall, if the commissioners

5-1 court of the county adopts the fee as part of the county's annual
5-2 budget, collect the following fee from any person:

5-3 (1) Records Archive Fee (Sec. 118.025)
5-4 not more than \$10 [~~\$5~~]

5-5 (2) Records Technology and Infrastructure Fee (Sec.
5-6 118.026) \$2.00

5-7 SECTION 6. Section 51.607, Government Code, does not apply
5-8 to a court fee assessed under a statute amended by this Act.

5-9 SECTION 7. To the extent of any conflict, this Act prevails
5-10 over another Act of the 86th Legislature, Regular Session, 2019,
5-11 relating to nonsubstantive additions to and corrections in enacted
5-12 codes.

5-13 SECTION 8. This Act takes effect September 1, 2019.

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5-14