

By: Zaffirini, et al.

S.B. No. 41

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consolidation and allocation of state civil court
3 costs; increasing certain civil court costs; authorizing fees.

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

5 ARTICLE 1. CONSOLIDATED CIVIL FILING FEES

6 SECTION 1.01. Section 133.004, Local Government Code, is
7 amended to read as follows:

8 Sec. 133.004. CIVIL FEES. This chapter applies to the
9 following civil fees:

10 (1) the consolidated fee [~~on filing in district court~~]
11 imposed under Section 133.151;

12 (2) [~~the filing fee in district court for basic civil~~
13 ~~legal services for indigents imposed under Section 133.152,~~

14 [~~(3) the filing fee in courts other than district~~
15 ~~court for basic civil legal services for indigents imposed under~~
16 ~~Section 133.153,~~

17 [~~(4) the filing fees for the judicial fund imposed in~~
18 ~~certain statutory county courts under Section 51.702, Government~~
19 ~~Code,~~

20 [~~(5) the filing fees for the judicial fund imposed in~~
21 ~~certain county courts under Section 51.703, Government Code,~~

22 [~~(6)] the filing fees for the judicial fund imposed in~~

23 statutory probate courts under Section 51.704, Government Code;

24 (3) [~~(7)] fees collected under Section 118.015;~~

1 (4) [~~(8)~~] marriage license fees for the family trust
2 fund collected under Section [118.018](#); and

3 (5) [~~(9)~~] marriage license or declaration of informal
4 marriage fees for the child abuse and neglect prevention trust fund
5 account collected under Section [118.022](#) [~~, and~~

6 ~~[(10) the filing fee for the judicial fund imposed in~~
7 ~~district court, statutory county court, and county court under~~
8 ~~Section [133.154](#)].~~

9 SECTION 1.02. Section [133.151](#), Local Government Code, is
10 amended to read as follows:

11 Sec. 133.151. STATE CONSOLIDATED CIVIL FEE ON FILING A
12 CIVIL CASE [~~SUIT IN DISTRICT COURT~~]. (a) The [~~In addition to each~~
13 ~~fee collected under Section [51.317](#)(b)(1), Government Code, the]~~
14 clerk of a district court, statutory county court, or county court
15 shall collect:

16 (1) a fee in the amount of \$137 [~~the following fees] on~~
17 the filing of any civil case; and

18 (2) a fee in the amount of \$45 on any subsequent
19 filing, including an appeal and any counterclaim, cross-action,
20 intervention, contempt action, interpleader, motion for new trial,
21 or third-party action [~~suit.~~

22 ~~[(1) \$45 for family law cases and proceedings as~~
23 ~~defined by Section [25.0002](#), Government Code, and~~

24 ~~[(2) \$50 for any case other than a case described by~~
25 ~~Subdivision (1)].~~

26 (a-1) The clerk of a justice court shall collect a fee in the
27 amount of \$21 on the filing of any civil case and on any subsequent

1 filing, including an appeal and any counterclaim, cross-action,
2 intervention, contempt action, interpleader, motion for new trial,
3 or third-party action.

4 (b) The fees under this section [~~Subsection (a)~~] shall be
5 collected and remitted to the comptroller either:

6 (1) directly for fees paid using the electronic filing
7 system established under Section 72.031, Government Code; or

8 (2) in the manner provided by Subchapter B for fees
9 paid to an officer of a court.

10 (c) The comptroller shall allocate the fees received under
11 Subsection (a)(1) [~~this section~~] to the following accounts and
12 funds so that each receives to the extent practicable, utilizing
13 historical data as applicable, the same amount of money the account
14 or fund would have received if the fees for the accounts and funds
15 had been collected and reported separately, except that the account
16 or fund may not receive less than the following percentages:

17 (1) the judicial fund to be used for court-related
18 purposes for the support of the judiciary 59.854 percent; [and]

19 (2) the basic civil legal services account of the
20 judicial fund for use in programs approved by the supreme court that
21 provide basic civil legal services to an indigent 14.5985 percent;

22 (3) the statewide electronic filing system
23 fund 21.8978 percent; and

24 (4) the judicial and court personnel training
25 fund 3.6497 percent.

26 (d) The comptroller shall allocate the fees received under
27 Subsection (a)(2) to the following accounts and funds so that each

1 receives to the extent practicable, utilizing historical data as
2 applicable, the same amount of money the account or fund would have
3 received if the fees for the accounts and funds had been collected
4 and reported separately, except that the account or fund may not
5 receive less than the following percentages:

6 (1) the basic civil legal services account of the
7 judicial fund for use in programs approved by the supreme court that
8 provide basic legal services to an indigent 22.2222 percent;

9 (2) the statewide electronic filing system
10 fund 66.6667 percent; and

11 (3) the judicial and court personnel training
12 fund 11.1111 percent.

13 (e) The comptroller shall allocate the fees received under
14 Subsection (a-1) to the following accounts and funds so that each
15 receives to the extent practicable, utilizing historical data as
16 applicable, the same amount of money the account or fund would have
17 received if the fees for the accounts and funds had been collected
18 and reported separately, except that the account or fund may not
19 receive less than the following percentages:

20 (1) the basic civil legal services account of the
21 judicial fund for use in programs approved by the supreme court that
22 provide basic civil legal services to an indigent 28.5714 percent;

23 (2) the statewide electronic filing system
24 fund 47.6191 percent; and

25 (3) the judicial and court personnel training
26 fund 23.8095 percent.

27 SECTION 1.03. Subtitle C, Title 4, Local Government Code,

1 is amended by adding Chapter 135 to read as follows:

2 CHAPTER 135. CIVIL FEES PAYABLE TO LOCAL GOVERNMENT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 135.001. PURPOSE. The purpose of this chapter is to
5 consolidate and standardize collection of fees payable to a local
6 government in civil cases by:

7 (1) an officer of a court for deposit in a county
8 treasury; or

9 (2) an officer of a county for deposit in the county
10 treasury.

11 Sec. 135.002. DEFINITIONS. In this chapter:

12 (1) "Fee" means a civil fee listed under Section
13 135.003.

14 (2) "County treasurer" means the custodian of money in
15 a county treasury.

16 Sec. 135.003. CIVIL FEES. This chapter applies to the civil
17 fees imposed under Sections 135.101 and 135.102.

18 SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CIVIL FEES

19 Sec. 135.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES.

20 (a) A court clerk shall collect and remit to the county treasurer
21 all fees in the manner provided by this section.

22 (b) An officer collecting a fee in a justice, county, or
23 district court shall remit the money to the county treasurer for
24 deposit in the county treasury.

25 (c) A court clerk collecting a fee shall remit the money to
26 the county treasurer for deposit in the county treasury.

27 Sec. 135.052. ALLOCATION OF DEPOSITED FEES. (a) Money

1 collected under Subchapter C as civil fees imposed on or after
2 January 1, 2022, shall be allocated according to the percentages
3 provided by Sections 135.101 and 135.102, as applicable.

4 (b) Money collected under Subchapter C as civil fees before
5 January 1, 2022, shall be distributed utilizing historical data so
6 that each account or fund receives the same amount of money the
7 account or fund would have received if the fee for the accounts and
8 funds had been collected and reported separately. This subsection
9 expires September 1, 2025.

10 SUBCHAPTER C. LOCAL CIVIL FEES

11 Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR DISTRICT
12 COURT, STATUTORY COUNTY COURT, OR COUNTY COURT. (a) A person shall
13 pay in a district court, statutory county court, or county court in
14 addition to all other fee and court costs a local consolidated
15 filing fee of:

- 16 (1) \$213 on filing any civil case; and
17 (2) \$35 on any subsequent filing, including an appeal
18 and any counterclaim, cross-action, intervention, contempt action,
19 interpleader, motion for new trial, or third-party action.

20 (b) The treasurer shall allocate the fees received under
21 Subsection (a)(1) to the following accounts and funds so that each
22 receives to the extent practicable, utilizing historical data as
23 applicable, the same amount of money the account or fund would have
24 received if the fees for the accounts and funds had been collected
25 and reported separately, except that the account or fund may not
26 receive less than the following percentages:

- 27 (1) the appellate judicial system fund 2.3474

1 percent;

2 (2) the court facility fee fund 9.3897 percent;

3 (3) the clerk of the court account 23.4742 percent;

4 (4) the county records management and preservation
5 account 14.0845 percent;

6 (5) the court reporter service fund 11.7371 percent;

7 (6) the county law library fund 16.4319 percent;

8 (7) the courthouse security fund 9.3897 percent;

9 (8) the language access fund 1.4085 percent;

10 (9) the county jury fund 4.6948 percent; and

11 (10) the county dispute resolution fund 7.0423

12 percent.

13 (c) The treasurer shall allocate the fees received under
14 Subsection (a)(2) to the following accounts and funds so that each
15 receives to the extent practicable, utilizing historical data as
16 applicable, the same amount of money the account or fund would have
17 received if the fees for the accounts and funds had been collected
18 and reported separately, except that the account or fund may not
19 receive less than the following percentages:

20 (1) the clerk of the court account 42.8571 percent; and

21 (2) the county records management and preservation
22 account 57.1429 percent.

23 Sec. 135.102. LOCAL CONSOLIDATED CIVIL FEE FOR JUSTICE
24 COURT. (a) In addition to all other fee and court costs, a person
25 shall pay a local consolidated filing fee of \$33 on filing of any
26 civil case in a justice court and on any subsequent filing,
27 including an appeal and any counterclaim, cross-action,

1 intervention, contempt action, interpleader, motion for new trial,
2 or third-party action.

3 (b) The treasurer shall allocate the fees received under
4 this section to the following accounts and funds so that each
5 receives to the extent practicable, utilizing historical data as
6 applicable, the same amount of money the account or fund would have
7 received if the fees for the accounts and funds had been collected
8 and reported separately, except that the account or fund may not
9 receive less than the following percentages:

10 (1) the justice court support fund 75.7576 percent;

11 (2) the county dispute resolution fund 15.1515
12 percent; and

13 (3) the language access fund 9.0909 percent.

14 SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CIVIL FEES

15 Sec. 135.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) A
16 county treasurer shall maintain in the county treasury a fund or
17 account to which money is allocated under Section 135.101 or
18 135.102, to the extent that the fund or account is not required by
19 other law. Money in an account maintained under this section may be
20 used only for the purposes provided by this subchapter.

21 (b) An account or fund maintained under this section in a
22 county treasury may be administered by or at the direction of the
23 county commissioners court.

24 Sec. 135.152. COURT FACILITY FEE FUND. Money allocated
25 under Section 135.101 to the court facility fee fund maintained in
26 the county treasury as required by Section 135.151 may be used by a
27 county only to fund the construction, renovation, or improvement of

1 facilities that house the courts or to pay the principal of,
2 interest on, and costs of issuance of bonds, including refunding
3 bonds, issued for the construction, renovation, or improvement of
4 the facilities.

5 Sec. 135.153. CLERK OF THE COURT ACCOUNT. Money allocated
6 under Section 135.101 to the clerk of the court account maintained
7 in the county treasury as required by Section 135.151 may be used by
8 a county only to defray costs of services provided by a county or
9 district clerk.

10 Sec. 135.154. COUNTY RECORDS MANAGEMENT AND PRESERVATION
11 ACCOUNT. Money allocated under Section 135.101 to the county
12 records management and preservation account maintained in the
13 county treasury as required by Section 135.151 may be used by a
14 county only to fund records management and preservation services,
15 including automation, performed by the court clerk on approval by
16 the commissioners court of a budget as provided by Chapter 111. An
17 expenditure from the fund must comply with Subchapter C, Chapter
18 262.

19 Sec. 135.155. LANGUAGE ACCESS FUND. Money allocated under
20 Section 135.101 or 135.102 to the language access fund maintained
21 in the county treasury as required by Section 135.151 may be used by
22 a county only to provide language access services for individuals
23 appearing before the court or receiving court services.

24 Sec. 135.156. COUNTY JURY FUND. Money allocated under
25 Section 135.101 to the county jury fund maintained in the county
26 treasury as required by Section 135.151 may be used by a county only
27 to fund juror reimbursements and otherwise finance jury services.

1 Sec. 135.157. COUNTY DISPUTE RESOLUTION FUND. (a) Money
2 allocated under Section 135.101 or 135.102 to the county dispute
3 resolution fund maintained in the county treasury as required by
4 Section 135.151 may be used by a county only to establish and
5 maintain an alternative dispute resolution system in accordance
6 with Chapter 152, Civil Practice and Remedies Code. The fund shall
7 be administered by the commissioners court and may be used by the
8 county only to establish and maintain the system. The system shall
9 be operated at one or more convenient and accessible places in the
10 county.

11 (b) If a county has not established an alternative dispute
12 resolution system under Chapter 152, Civil Practice and Remedies
13 Code, the money allocated under Subsection (a) shall be remitted to
14 the comptroller and the comptroller shall allocate the money to the
15 statewide electronic filing system fund.

16 Sec. 135.158. JUSTICE COURT SUPPORT FUND. Money allocated
17 under Section 135.102 to the justice court support fund maintained
18 in the county treasury as required by Section 135.151 may be used by
19 a county only to defray the costs of services provided by a justice
20 court.

21 SECTION 1.04. The heading to Section 51.601, Government
22 Code, is amended to read as follows:

23 Sec. 51.601. COURT REPORTER SERVICE FUND [~~FEF~~].

24 ARTICLE 2. GOVERNMENT CODE

25 SECTION 2.01. Subchapter C, Chapter 22, Government Code, is
26 amended by adding Section 22.229 to read as follows:

27 Sec. 22.229. APPELLATE JUDICIAL SYSTEM FUND. (a) An

1 appellate judicial system fund is established for each court of
2 appeals to:

3 (1) assist the court of appeals in the processing of
4 appeals filed with the court of appeals from the county courts,
5 statutory county courts, statutory probate courts, and district
6 courts in the counties the court of appeals serves; and

7 (2) defray costs and expenses incurred in the
8 operation of the court of appeals.

9 (b) To fund the appellate judicial system:

10 (1) each county treasurer shall allocate to the fund
11 the portion of the local consolidated filing fee set by Section
12 135.101(b)(1), Local Government Code; and

13 (2) the clerk of each statutory probate court in the
14 county shall collect a \$5 fee in each civil case filed in the court.

15 (c) The fee required under Subsection (b)(2) shall be taxed,
16 collected, and paid as other court costs in a suit. The clerk of the
17 court shall collect the fee and pay it to the county treasurer.

18 (d) The county treasurer shall monthly forward the money
19 collected under this section to the clerk of the court of appeals
20 serving the county for deposit in the appellate judicial system
21 fund. The court of appeals may spend money in the fund for the
22 purposes described by Subsection (a). Money in the fund may not be
23 used for any other purpose.

24 (e) The chief justice of each court of appeals is
25 responsible for the management of all money deposited in the
26 appellate judicial system fund for the chief justice's court of
27 appeals.

1 SECTION 2.02. Section 25.0172(u), Government Code, is
2 amended to read as follows:

3 (u) The official court reporter of a county court at law is
4 entitled to receive an annual salary set by the judge and approved
5 by the commissioners court at an amount not less than \$35,256. [~~The
6 official court reporter's fee shall be taxed as costs in civil
7 actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
8 13, 14, and 15 in the same manner as that fee is taxed in district
9 court. In County Court at Law No. 2, the clerk collects the
10 official court reporters' fee of \$3 and pays it into the county
11 treasury in the same manner as district clerks are required to
12 collect and pay costs.~~]

13 SECTION 2.03. Section 25.1102(f), Government Code, is
14 amended to read as follows:

15 (f) The official court reporter of a county court at law is
16 entitled to receive a salary set by the judge of the county court at
17 law as provided by law for district court reporters. The salary
18 shall be paid monthly by the commissioners court out of funds
19 available for that purpose. [~~The clerk of the court shall tax as
20 costs in each civil, criminal, or probate case in which a record, or
21 any part of a record, is made of the evidence a stenographer's fee
22 of \$20. The clerk collects the fees and pays them in to the county's
23 general fund.~~]

24 SECTION 2.04. Section 25.1572(h), Government Code, is
25 amended to read as follows:

26 (h) An official court reporter is not required to take
27 testimony in a case unless the judge or a party demands that

1 testimony be taken. [~~In civil and probate cases in which the court~~
2 ~~reporter is required to take testimony, the clerk shall assess a \$3~~
3 ~~fee as costs in the case. The clerk shall collect the fee and~~
4 ~~deposit it in the county treasury.] The court reporter shall be
5 available for matters being considered in the county court if the
6 parties before the court request a court reporter and the request is
7 approved by the judge of a county court at law.~~

8 SECTION 2.05. Section 25.2702(d), Government Code, is
9 amended to read as follows:

10 (d) The judge of the county court at law shall appoint an
11 official court reporter. The judge may appoint a court
12 administrator to aid the judge in the performance of the judge's
13 duties. The official court reporter and the court administrator of
14 the county court at law are entitled to receive a salary set by the
15 commissioners courts in the counties the reporter or administrator
16 serves to be paid out of the county treasuries, either by salary or
17 by contract as set by the commissioners courts. [~~The clerk of the~~
18 ~~court shall tax as costs, in each civil and probate case in which a~~
19 ~~record of any part of the evidence in the case is made by the~~
20 ~~reporter, a stenographer's fee of \$25. The fee shall be paid in the~~
21 ~~same manner as other costs in the case. The clerk collects the fee~~
22 ~~and pays it into the general funds of the counties.]~~

23 SECTION 2.06. Section 51.207(g), Government Code, is
24 amended to read as follows:

25 (g) The [~~One-half of the~~] fees collected under this section
26 shall be deposited to the credit of the judicial fund.

27 SECTION 2.07. Section 51.302(e), Government Code, is

1 amended to read as follows:

2 (e) The commissioners court may establish a contingency
3 fund to provide the coverage required by Subsection (c) or (d) if it
4 is determined by the district clerk that insurance coverage is
5 unavailable at a reasonable cost. [~~The commissioners court may set
6 an additional filing fee in an amount not to exceed \$5 for each suit
7 filed to be collected by the district clerk. The fee shall be paid
8 into the fund. When the contingency fund reaches an amount equal to
9 that required by Subsection (c) or (d), the clerk shall stop
10 collecting the additional fee.~~]

11 SECTION 2.08. Sections 51.318(a) and (b), Government Code,
12 are amended to read as follows:

13 (a) The [~~In addition to a fee under Section 51.317 the~~]
14 district clerk shall collect at the time the service is performed or
15 at the time the service is requested the fees provided by Subsection
16 (b) for services performed by the clerk.

17 (b) The fees are:

18 (1) for issuing a subpoena, including one copy . . . \$8

19 (2) for issuing a citation, commission for deposition,
20 writ of execution, order of sale, writ of execution and order of
21 sale, writ of injunction, writ of garnishment, writ of attachment,
22 or writ of sequestration [~~not provided for in Section 51.317~~], or
23 any other writ or process not otherwise provided for, including one
24 copy if required by law \$8

25 (3) for searching files or records to locate a cause
26 when the docket number is not provided or [~~..... \$5~~]

27 [~~(4) for searching files or records~~] to ascertain the

1 existence of an instrument or record in the district clerk's
2 office \$5

3 (4) [~~5~~] for abstracting a judgment \$8

4 (5) for preparation of the clerk's record on appeal,
5 for each page or part of a page \$1

6 (6) for approving a bond \$5 [~~\$4~~]

7 (7) for a certified copy of a record, judgment, order,
8 pleading, or paper on file or of record in the district clerk's
9 office, printed on paper:

10 (A) including certificate and seal \$5; and

11 (B) [7] for each page or part of a page . . [not to
12 exceed] \$1

13 (8) for a noncertified copy:

14 (A) printed on paper, for each page or part of a
15 page [not to exceed] \$1;

16 (B) that is a paper document converted to
17 electronic format, for each page or part of a page \$1; or

18 (C) that is an electronic copy of an electronic
19 document:

20 (i) for each document up to 10 pages in
21 length \$1; and

22 (ii) for each page or part of a page over 10
23 pages \$0.10.

24 SECTION 2.09. Sections 51.851(b) and (g), Government Code,
25 are amended to read as follows:

26 (b) In addition to other fees authorized or required by law,
27 the clerk of the supreme court, a court of appeals, [~~a district~~

1 ~~court, a county court, a statutory county court,~~] or a statutory
2 probate court shall collect a \$30 fee on the filing of any civil
3 action or proceeding requiring a filing fee, including an appeal,
4 and on the filing of any counterclaim, cross-action, intervention,
5 interpleader, or third-party action requiring a filing fee to be
6 used as provided by Section 51.852.

7 (g) The clerk of [~~a district court, a county court, a~~
8 ~~statutory county court,~~] a statutory probate court[~~, or a justice~~
9 ~~court~~] shall deposit the fees collected under this section in the
10 appropriate local treasury and remit the fees to the comptroller in
11 the manner provided by Subchapter B, Chapter 133, Local Government
12 Code.

13 SECTION 2.10. Section 411.0745(b), Government Code, is
14 amended to read as follows:

15 (b) The petition must be accompanied by payment of a [~~\$28~~
16 ~~fee to the clerk of the court in addition to any other~~] fee that
17 generally applies to the filing of a civil case [~~petition~~].

18 SECTION 2.11. The heading to Section 411.077, Government
19 Code, is amended to read as follows:

20 Sec. 411.077. [~~DISPOSITION OF FEE,~~] DEPARTMENT OF PUBLIC
21 SAFETY REPORT.

22 ARTICLE 3. LOCAL GOVERNMENT CODE

23 SECTION 3.01. Section 82.003(c), Local Government Code, is
24 amended to read as follows:

25 (c) The commissioners court may establish a contingency
26 fund to provide the coverage required by this section if it is
27 determined by the county clerk that insurance coverage is

1 unavailable at a reasonable cost. [~~The commissioners court may set~~
2 ~~an additional filing fee in an amount not to exceed \$5 for each suit~~
3 ~~filed to be collected by the county clerk. The fee shall be paid~~
4 ~~into the fund. When the contingency fund reaches an amount equal to~~
5 ~~that required by this section, the clerk shall stop collecting the~~
6 ~~additional fee.~~]

7 SECTION 3.02. Section 118.052, Local Government Code, is
8 amended to read as follows:

9 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
10 shall collect the following fees for services rendered to any
11 person:

12 (1) CIVIL COURT ACTIONS

13 (A) Filing of [~~Original Action (Sec. 118.053).~~

14 [~~(i)~~] Garnishment after judgment . . .

15 \$15.00

16 [~~(ii) All others . . . \$40.00]~~

17 (B) [~~Filing of Action Other than Original (Sec.~~

18 ~~118.054) . . . \$30.00~~

19 [~~(C)~~] Services Rendered After Judgment in

20 Original Action (Sec. 118.0545):

21 (i) Abstract of judgment . . . \$ 8.00

22 [~~5.00]~~

23 (ii) Preparation of the clerk's record for

24 appeal, per page or part of a page . . . \$ 1.00

25 (iii) Execution, order of sale, writ, or

26 other process . . . \$ 8.00 [~~5.00]~~

27 (2) PROBATE COURT ACTIONS

- 1 (A) Probate Original Action (Sec. 118.055):
- 2 (i) Probate of a will with independent
- 3 executor, administration with will attached, administration of an
- 4 estate, guardianship or receivership of an estate, or muniment of
- 5 title . . . \$40.00
- 6 (ii) Community survivors . . . \$40.00
- 7 (iii) Small estates . . . \$40.00
- 8 (iv) Declarations of heirship . . . \$40.00
- 9 (v) Mental health or chemical dependency
- 10 services . . . \$40.00
- 11 (vi) Additional, special fee (Sec. 118.064)
- 12 . . . \$ 5.00
- 13 (B) Services in Pending Probate Action (Sec.
- 14 118.056):
- 15 (i) Filing an inventory and appraisement as
- 16 provided by Section 118.056(d) . . . \$25.00
- 17 (ii) Approving and recording bond . . .
- 18 \$ 5.00 [~~3.00~~]
- 19 (iii) Administering oath . . . \$ 2.00
- 20 (iv) Filing annual or final account of
- 21 estate . . . \$25.00
- 22 (v) Filing application for sale of real or
- 23 personal property . . . \$25.00
- 24 (vi) Filing annual or final report of
- 25 guardian of a person . . . \$10.00
- 26 (vii) Filing a document not listed under
- 27 this paragraph after the filing of an order approving the inventory

1 and appraisal or after the 120th day after the date of the
2 initial filing of the action, whichever occurs first, if more than
3 25 pages . . . \$25.00

4 (C) Adverse Probate Action (Sec. 118.057) . . .
5 \$40.00

6 (D) Claim Against Estate (Sec. 118.058) . . .
7 \$10.00

8 (E) Supplemental Court-Initiated Guardianship
9 Fee in Probate Original Actions and Adverse Probate Actions (Sec.
10 118.067) . . . \$20.00

11 (F) Supplemental Public Probate Administrator
12 Fee For Counties That Have Appointed a Public Probate Administrator
13 (Sec. 118.068) . . . \$10.00

14 (3) OTHER FEES

15 (A) Issuing Document (Sec. 118.059):
16 original document and one copy . . . \$ 8.00 [~~4.00~~]
17 each additional set of an original and one copy . . . \$ 8.00
18 [~~4.00~~]

19 (B) Certified Papers (Sec. 118.060):
20 for the clerk's certificate . . . \$ 5.00
21 plus a fee per page or part of a page of . . . \$ 1.00

22 (C) Noncertified Papers (Sec. 118.0605):
23 printed on paper, for each page or part of a page . . . \$ 1.00
24 paper converted to electronic format, for each page or part
25 of a page . . . \$ 1.00

26 electronic copy of an electronic document:

27 (i) for each document up to 10 pages in

1 length . . . \$ 1.00; and

2 (ii) for each page or part of a page over 10
3 pages . . . \$ 0.10

4 (D) Letters Testamentary, Letter of
5 Guardianship, Letter of Administration, or Abstract of Judgment
6 (Sec. 118.061) . . . \$ 2.00

7 (E) Deposit and Safekeeping of Wills (Sec.
8 118.062) . . . \$ 5.00

9 (F) Mail Service of Process (Sec. 118.063) . . .
10 same as sheriff

11 (G) Searching files or records to locate a cause
12 when the docket number is not provided or to ascertain the existence
13 of an instrument or record in the county clerk's office [~~Records~~
14 ~~Management and Preservation Fee~~] . . . \$ 5.00

15 (H) Records Technology and Infrastructure Fee if
16 authorized by the commissioners court of the county (Sec. 118.026)
17 . . . \$ 2.00

18 SECTION 3.03. Section 118.0545, Local Government Code, is
19 amended by adding Subsection (b-1) and amending Subsection (e) to
20 read as follows:

21 (b-1) The fee for "Preparation of the clerk's record for
22 appeal" under Section 118.052(1) is for preparation of the clerk's
23 record for appeal.

24 (e) In this section, "original action" includes an appeal
25 from a justice of the peace or a corporation court and a transfer of
26 an action from another jurisdiction [~~has the meaning assigned by~~
27 ~~Section 118.053~~].

1 SECTION 3.04. Section 118.055(a), Local Government Code, is
2 amended to read as follows:

3 (a) The fee for "Probate Original Action" under Section
4 118.052(2)(A) is for all clerical duties in connection with an
5 original action in a statutory probate court.

6 SECTION 3.05. Section 118.059(c), Local Government Code, is
7 amended to read as follows:

8 (c) In this section, "document" includes a subpoena,
9 citation, notice, commission to take depositions, execution,
10 order, writ, process, or other instrument or paper authorized or
11 required to be issued by the clerk.

12 SECTION 3.06. Subchapter C, Chapter 118, Local Government
13 Code, is amended by adding Section 118.070 to read as follows:

14 Sec. 118.070. FEE FOR SEARCH OF RECORDS. The clerk of a
15 county court shall collect a fee for searching files or records to
16 locate a cause when the docket number is not provided or to
17 ascertain the existence of an instrument or record in the county
18 clerk's office.

19 SECTION 3.07. Section 118.121, Local Government Code, is
20 amended to read as follows:

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

23 ~~[(1) Services rendered before judgment (Sec.~~
24 ~~118.122):~~

25 ~~[(A) Justice court \$25.00~~

26 ~~[(B) Small claims court \$25.00~~

27 ~~[(2) Services rendered] after judgment (Sec.~~

1 SECTION 3.09. Section 133.055(a), Local Government Code, is
2 amended to read as follows:

3 (a) For fees paid to an officer of a court and not using the
4 electronic filing system established under Section 72.031,
5 Government Code, on ~~On~~ or before the last day of the month
6 following each calendar quarter, the treasurer shall:

7 (1) remit to the comptroller the money from all fees
8 collected during the preceding quarter, except as provided by
9 Section 133.058; and

10 (2) submit to the comptroller the report required
11 under Section 133.056 for criminal fees and Section 133.057 for
12 civil fees.

13 SECTION 3.10. Section 133.058(d), Local Government Code, is
14 amended to read as follows:

15 (d) A county may not retain a service fee on the collection
16 of a fee or fine:

17 (1) for the judicial fund;

18 (2) under Article 42A.303 or 42A.653, Code of Criminal
19 Procedure;

20 (3) under Section 51.851, Government Code; or

21 (4) for any state consolidated filing fee under
22 Section 133.151 [~~51.971, Government Code~~].

23 SECTION 3.11. Section 203.003, Local Government Code, is
24 amended to read as follows:

25 Sec. 203.003. DUTIES OF COMMISSIONERS COURT. The
26 commissioners court of each county shall:

27 (1) promote and support the efficient and economical

1 management of records of all elective offices in the county to
2 enable elected county officers to conform to this subtitle and
3 rules adopted under it;

4 (2) facilitate the creation and maintenance of records
5 containing adequate and proper documentation of the organization,
6 functions, policies, decisions, procedures, and essential
7 transactions of each elective office and designed to furnish the
8 information necessary to protect the legal and financial rights of
9 the local government, the state, and the persons affected by the
10 activities of the local government;

11 (3) facilitate the identification and preservation of
12 the records of elective offices that are of permanent value;

13 (4) facilitate the identification and protection of
14 the essential records of elective offices;

15 (5) establish a county clerk records management and
16 preservation fund for fees subject to Section 118.0216 and approve
17 in advance any expenditures from the fund; and

18 (6) establish a records management and preservation
19 account [~~fund~~] for the records management and preservation fees
20 authorized under Sections [~~118.052, 118.0546, and~~] 118.0645 and
21 135.101, [~~and Section 51.317, Government Code,~~] and approve in
22 advance any expenditures from the fund, which may be spent only for
23 records management preservation or automation purposes in the
24 county.

25 SECTION 3.12. The heading to Section 291.008, Local
26 Government Code, is amended to read as follows:

27 Sec. 291.008. DOCUMENT FILING FEE [~~FOR SECURITY~~].

1 SECTION 3.13. Section 291.008(d), Local Government Code, is
2 amended to read as follows:

3 (d) The [~~If a commissioners court sets a security fee under~~
4 ~~Subsection (a) of this section, the~~] county and district clerks
5 shall collect a fee of \$1 for filing any document not subject to a
6 filing fee under Section 118.052(2) or 135.101 [~~the security fee~~].
7 The county is not liable for the costs. The county or district
8 clerk, as appropriate, shall collect this fee.

9 SECTION 3.14. Sections 323.023(a) and (b), Local Government
10 Code, are amended to read as follows:

11 (a) The [~~A sum set by the~~] commissioners court [~~not to~~
12 ~~exceed \$35~~] shall establish a county law library fund [~~be taxed,~~
13 ~~collected, and paid as other costs in each civil case filed in a~~
14 ~~county or district court, except suits for delinquent taxes. The~~
15 ~~county is not liable for the costs~~].

16 (b) The [~~clerks of the respective courts shall collect the~~
17 ~~costs and pay them to the county treasurer, or to any other official~~
18 ~~who discharges the duties commonly delegated to the county~~
19 ~~treasurer, for deposit in a fund to be known as the~~] county law
20 library fund[~~. The fund~~] may be used only for:

21 (1) establishing the law library after the entry of
22 the order creating it;

23 (2) purchasing or leasing library materials,
24 maintaining the library, or acquiring furniture, shelving, or
25 equipment for the library;

26 (3) purchasing or leasing library materials or
27 acquiring library equipment, including computers, software, and

1 subscriptions to obtain access to electronic research networks for
2 use by judges in the county; or

3 (4) establishing and maintaining a self-help center to
4 provide resources to county residents representing themselves in
5 legal matters.

6 ARTICLE 4. OTHER CONFORMING AMENDMENTS

7 SECTION 4.01. Section 12.005(a), Civil Practice and
8 Remedies Code, is amended to read as follows:

9 (a) The fee for filing an action under this chapter is the
10 fee that generally applies to the filing of a civil case [~~\$15. The~~
11 ~~plaintiff must pay the fee to the clerk of the court in which the~~
12 ~~action is filed. Except as provided by Subsection (b), the~~
13 ~~plaintiff may not be assessed any other fee, cost, charge, or~~
14 ~~expense by the clerk of the court or other public official in~~
15 ~~connection with the action)].~~

16 SECTION 4.02. Article 102.017(a), Code of Criminal
17 Procedure, is amended to read as follows:

18 (a) The courthouse security fund is a fund in the county
19 treasury, and the municipal court building security fund is a fund
20 in the municipal treasury. The funds consist of money allocated to
21 the funds under Sections 134.101, 134.102, [~~and~~] 134.103, and
22 135.101, Local Government Code.

23 SECTION 4.03. Section 54.041(a), Family Code, is amended to
24 read as follows:

25 (a) When a child has been found to have engaged in
26 delinquent conduct or conduct indicating a need for supervision and
27 the juvenile court has made a finding that the child is in need of

1 rehabilitation or that the protection of the public or the child
2 requires that disposition be made, the juvenile court, on notice by
3 any reasonable method to all persons affected, may:

4 (1) order any person found by the juvenile court to
5 have, by a wilful act or omission, contributed to, caused, or
6 encouraged the child's delinquent conduct or conduct indicating a
7 need for supervision to do any act that the juvenile court
8 determines to be reasonable and necessary for the welfare of the
9 child or to refrain from doing any act that the juvenile court
10 determines to be injurious to the welfare of the child;

11 (2) enjoin all contact between the child and a person
12 who is found to be a contributing cause of the child's delinquent
13 conduct or conduct indicating a need for supervision; or

14 (3) after notice and a hearing of all persons affected
15 order any person living in the same household with the child to
16 participate in social or psychological counseling to assist in the
17 rehabilitation of the child and to strengthen the child's family
18 environment[~~, or~~

19 [~~(4) after notice and a hearing of all persons~~
20 ~~affected order the child's parent or other person responsible for~~
21 ~~the child's support to pay all or part of the reasonable costs of~~
22 ~~treatment programs in which the child is required to participate~~
23 ~~during the period of probation if the court finds the child's parent~~
24 ~~or person responsible for the child's support is able to pay the~~
25 ~~costs].~~

26 SECTION 4.04. Section 61.002(a), Family Code, is amended to
27 read as follows:

1 (a) Except as provided by Subsection (b), this chapter
2 applies to a proceeding to enter a juvenile court order:

3 (1) for payment of probation fees under Section
4 54.061;

5 (2) for restitution under Sections 54.041(b) and
6 54.048;

7 ~~(3) [for payment of graffiti eradication fees under
8 Section 54.0461,~~

9 ~~[(4)]~~ for community service under Section 54.044(b);

10 ~~(4) [(5) for payment of costs of court under Section
11 54.0411 or other provisions of law,~~

12 ~~[(6)]~~ requiring the person to refrain from doing any
13 act injurious to the welfare of the child under Section
14 54.041(a)(1);

15 (5) ~~[(7)]~~ enjoining contact between the person and the
16 child who is the subject of a proceeding under Section
17 54.041(a)(2);

18 (6) ~~[(8)]~~ ordering a person living in the same
19 household with the child to participate in counseling under Section
20 54.041(a)(3);

21 (7) ~~[(9)]~~ requiring a parent or other eligible person
22 to pay reasonable attorney's fees for representing the child under
23 Section 51.10(e);

24 (8) ~~[(10)]~~ requiring the parent or other eligible
25 person to reimburse the county for payments the county has made to
26 an attorney appointed to represent the child under Section
27 51.10(j);

1 (9) [~~(11)~~] requiring payment of deferred prosecution
2 supervision fees under Section 53.03(d);

3 (10) [~~(12)~~] requiring a parent or other eligible
4 person to attend a court hearing under Section 51.115;

5 (11) [~~(13)~~] requiring a parent or other eligible
6 person to act or refrain from acting to aid the child in complying
7 with conditions of release from detention under Section 54.01(r);

8 (12) [~~(14)~~] requiring a parent or other eligible
9 person to act or refrain from acting under any law imposing an
10 obligation of action or omission on a parent or other eligible
11 person because of the parent's or person's relation to the child who
12 is the subject of a proceeding under this title;

13 ~~[(15) for payment of fees under Section 54.0462,]~~ or

14 (13) [~~(16)~~] for payment of the cost of attending an
15 educational program under Section 54.0404.

16 SECTION 4.05. Section 231.202, Family Code, is amended to
17 read as follows:

18 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
19 CASES. In a Title IV-D case filed under this title, including a
20 case filed under Chapter 159, the Title IV-D agency shall pay only
21 the following costs and fees:

22 (1) filing fees and fees for issuance and service of
23 process as provided by Chapter 110 of this code and by Sections
24 [~~51.317(b)(1), (2), and (3) and (b-1),~~] 51.318(b)(2)[~~7~~] and
25 51.319(2), Government Code;

26 (2) fees for transfer as provided by Chapter 110;

27 (3) fees for the issuance and delivery of orders and

1 writs of income withholding in the amounts provided by Chapter 110;

2 (4) the fee for services provided by sheriffs and
3 constables, including:

4 (A) a fee authorized under Section 118.131, Local
5 Government Code, for serving each item of process to each
6 individual on whom service is required, including service by
7 certified or registered mail; and

8 (B) a fee authorized under Section 157.103(b) for
9 serving a capias;

10 (5) the fee for filing an administrative writ of
11 withholding under Section 158.503(d); and

12 (6) the fee for issuance of a subpoena as provided by
13 Section 51.318(b)(1), Government Code [~~, and~~

14 [~~(7) a fee authorized by Section 72.031, Government
15 Code, for the electronic filing of documents with a clerk].~~

16 SECTION 4.06. Section 40.062, Human Resources Code, is
17 amended to read as follows:

18 Sec. 40.062. EXEMPTION FROM CERTAIN COSTS AND FEES. The
19 department is not required to pay any cost or fee otherwise imposed
20 for court proceedings or other services, including a:

21 (1) filing fee or fee for issuance or service of
22 process imposed by Section 110.002, Family Code, or by Section
23 [~~51.317, 51.318(b)(2), or~~] 51.319, Government Code;

24 (2) transfer fee imposed by Section 110.002 or
25 110.005, Family Code;

26 (3) [~~court reporter fee imposed by Section 51.601,
27 Government Code,~~

1 ~~[(4) judicial fund fee imposed by Section 51.702,~~
2 ~~Government Code,~~

3 ~~[(5)]~~ judge's fee imposed by Section 25.0008 or
4 25.0029, Government Code;

5 (4) ~~[(6)]~~ cost or security fee imposed by Section
6 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

7 (5) ~~[(7)]~~ fee imposed by a county officer under
8 Section 118.011 or 118.052, Local Government Code.

9 SECTION 4.07. Section 161.107(b), Human Resources Code, is
10 amended to read as follows:

11 (b) The department is not required to pay any cost or fee
12 otherwise imposed for court proceedings or other services,
13 including:

14 (1) a filing fee or fee for issuance of service of
15 process imposed by Section [~~51.317, 51.318(b)(2), or~~] 51.319,
16 Government Code;

17 (2) [~~a court reporter service fee imposed by Section~~
18 ~~51.601, Government Code,~~

19 ~~[(3) a judicial fund fee imposed by Section 51.702,~~
20 ~~Government Code,~~

21 ~~[(4)]~~ a judge's fee imposed by Section 25.0008 or
22 25.0029, Government Code;

23 (3) ~~[(5)]~~ a cost or security fee imposed by Section
24 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

25 (4) ~~[(6)]~~ a fee imposed by a county officer under
26 Section 118.011 or 118.052, Local Government Code.

27 SECTION 4.08. Section 21.013(c), Property Code, is amended

1 to read as follows:

2 (c) A party initiating a condemnation proceeding in a county
3 in which there is not a county court at law must file the
4 condemnation petition with the district clerk. The filing fee
5 shall be due at the time of filing [~~in accordance with Section~~
6 ~~51.317, Government Code~~].

7 ARTICLE 5. REPEALERS

8 SECTION 5.01. (a) The following provisions of the Civil
9 Practice and Remedies Code are repealed:

- 10 (1) Sections 12.005(b) and (d);
11 (2) Sections 21.051 and 126.012; and
12 (3) Sections 152.004 and 152.005.

13 (b) The following provisions of the Family Code are
14 repealed:

- 15 (1) Sections 54.032(e), (g), and (h);
16 (2) Sections 54.0325(g) and (h);
17 (3) Section 54.0411;
18 (4) Sections 54.0461 and 54.0462;
19 (5) Section 54.047(f);
20 (6) Section 54.06(a); and
21 (7) Sections 108.006(b) and (c).

22 (c) The following provisions of the Government Code are
23 repealed:

- 24 (1) Sections 22.2021, 22.2031, 22.2041, 22.2051,
25 22.2061, 22.2071, 22.2081, 22.2091, 22.2101, 22.2121, 22.2131, and
26 22.2141;
27 (2) Section 25.0862(i);

- 1 (3) Section 25.1862(1);
- 2 (4) Sections 26.007 and 26.008;
- 3 (5) Section 51.305;
- 4 (6) Section 51.317;
- 5 (7) Sections 51.601(a), (a-1), (b), and (e);
- 6 (8) Section 51.604;
- 7 (9) Sections 51.702 and 51.703;
- 8 (10) Section 51.704(i);
- 9 (11) Sections 51.705, 51.706, 51.707, and 51.708;
- 10 (12) Sections 51.709, 51.710, 51.711, and 51.713;
- 11 (13) Section 51.851(c);
- 12 (14) Subchapter M, Chapter 51;
- 13 (15) Subchapter N, Chapter 51;
- 14 (16) Section 54A.110(d); and
- 15 (17) Section 411.077(a).

16 (d) Subtitle I, Title 2, Government Code, is repealed as
17 duplicative of the substantive provisions referenced in the
18 subtitle.

19 (e) Section 194.002(e), Health and Safety Code, is
20 repealed.

21 (f) The following provisions of the Human Resources Code are
22 repealed:

- 23 (1) Section 152.0492;
- 24 (2) Sections 152.1074(f) and (g);
- 25 (3) Section 152.1322;
- 26 (4) Sections 152.1752(b), (c), (d), and (e);
- 27 (5) Section 152.1844; and

1 (6) Sections 152.1873, 152.1874, 152.2183, and
2 152.2496.

3 (g) The following provisions of the Local Government Code
4 are repealed:

- 5 (1) Sections 118.053 and 118.069;
- 6 (2) Sections 118.054, 118.0546, and 118.122;
- 7 (3) Section 133.058(c);
- 8 (4) Sections 133.152, 133.153, and 133.154;
- 9 (5) Sections 291.008(a), (b), (c), and (e); and
- 10 (6) Section 291.009.

11 (h) Section 2308.457, Occupations Code, is repealed.

12 (i) Section 21.047(c), Property Code, is repealed.

13 (j) Section 372.107(c), Transportation Code, is repealed.

14 (k) Article 7818, Vernon's Texas Civil Statutes, is
15 repealed.

16 ARTICLE 6. EFFECTIVE DATE

17 SECTION 6.01. This Act takes effect September 1, 2021.