

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 29, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1612 by Zaffirini (Relating to court administration and costs; increasing certain court costs; authorizing fees.), **As Introduced**

The fiscal implications of the bill cannot be determined because the timing and amount of the fees that would be assessed under the provisions of the bill are unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Estates, Family, Government, and Local Government Codes, relating to court administration and costs. The bill would increase certain local court costs and impose certain additional local fees. The bill would also repeal various sections of various codes relating to court administration and local court costs.

The bill would amend the Family Code relating to court fees in suits affecting the parent-child relationship to adjust the filing fee a clerk may collect from \$15 to \$80 and to adjust the fee for filing a transferred case from \$45 to \$80. The bill would require fees under Sections 110.002 and 110.005 to be remitted and allocated as provided by Chapters 133 and 135, Local Government Code, as applicable.

The bill would amend the Government Code relating to fees due to a district clerk for certain services, to set the fee for a certified copy of a record, judgment, order, pleading, or paper on file or record in the district clerk's office for each page or part of a page printed on paper or that is an electronic copy of an electronic document. The bill would also set a fee for the preparation of the clerk's record of transfer under certain sections of the Estates Code and Family Code. The bill would amend the Local Government Code relating to the fees due to a county clerk for certain services, to set the fee for certified papers and noncertified papers converted to an electronic format or that is an electronic copy of an electronic document. The bill would set the fee a county clerk must collect for preparing the clerk's record of transfer under certain sections of the Estates Code, Family Code, and Government Code in civil actions and in probate actions. The bill would permit a commissioners court to set reasonable fees to be charged for service of process, including service of writs.

The bill would amend the Local Government Code relating to the state consolidated civil fee on filing a civil case. The bill would eliminate the \$45 fee for an appeal collectible under the state consolidated civil fee. The bill would allow certain clerks to collect, under the state consolidated civil fee, a \$45 fee for a motion to reinstate. The bill would allow the clerk of a justice court to collect a \$21 fee for the filing of a motion to reinstate. The bill would amend the local consolidated civil fee for certain civil cases, to allow certain clerks to collect a \$33 fee for a motion to reinstate.

The bill would retitle the County Records Management and Preservation Fund to the Clerks Records Management and Preservation Fund, and makes conforming changes.

The bill would repeal Art. 26.057, Code of Criminal Procedure, which allows a county to recover certain appointed counsel costs when the juvenile is transferred to a criminal court. The bill repeals various subsections of the Family Code, related to payment of certain costs and fees connected to attorney

appointments in certain juvenile proceedings. The bill would repeal a subsection of Section 53.03, Family Code, related to a fee schedule for deferred prosecution services. The bill would repeal a subsection of Section 54.0404, Family Code, related to payment of costs by a parent or other responsible person for certain juvenile-court mandated education programs. The bill would repeal the remainder of Section 54.06, Family Code, which related to certain judgments for support and in part allows a court to garnish wages. The bill would repeal Section 54.061, Family Code, which relates to the payment of certain juvenile probation fees that were otherwise placed in the county treasury for certain use.

The bill would repeal the remainder of Section 291.008, Local Government Code, which requires the county and district clerks to collect a \$1 fee for filing any document not subject to certain filing fees.

Based on information provided by the Comptroller of Public Accounts and the Office of Court Administration, the fiscal impact of the fee changes made by the bill cannot be determined because the timing and amount of the fees that would be assessed is unknown.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time because the timing and amount of the fees that would be assessed under the provisions of the bill is unknown.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, KDw, MW, JPa