By: Rose H.B. No. 1009

A BILL TO BE ENTITLED

AN ACT

relating to the court costs and fees assessed in a mental health proceeding filed by a county in the name of the state for an indigent patient.

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

SECTION 1. Section 133.151, Local Government Code, is amended by amending Subsections (a) and (a-1) and adding Subsection (a-2) to read as follows:

(a) Except as provided by Subsection (a-2), the [~~The~~] clerk of a district court, statutory county court, statutory probate court, or county court shall collect:

(1) a fee in the amount of $137 on the filing of any civil, probate, guardianship, or mental health case; and

(2) a fee in the amount of $45 on any action other than an original action subject to Subdivision (1), including any counterclaim, cross-action, intervention, contempt action, adverse probate action, interpleader, motion for new trial, motion to reinstate, or third-party action.

(a-1) Except as provided by Subsection (a-2), the [~~The~~] clerk of a justice court shall collect a fee in the amount of $21 on the filing of any civil case and on any action other than an original action for the civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, motion to reinstate, or

third-party action.

(a-2) The clerk of a court may not collect a fee under Subsection (a) or (a-1) on the filing in the name of the state by a county served by the court of a mental health proceeding for an indigent patient.

SECTION 2. Section 135.102, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [~~A~~] person shall pay in a statutory county court, statutory probate court, or county court in addition to all other fees and court costs a fee of:

(1) $223 on filing any probate, guardianship, or mental health case; and

(2) $75 on any action other than an original action for a case subject to Subdivision (1), including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief.

(a-1) A county is not required to pay to a court that serves the county a fee under Subsection (a) on the county's filing in the name of the state of a mental health proceeding for an indigent patient.

SECTION 3. The changes in law made by this Act apply only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2027.