

1-1 By: Clardy, et al. (Senate Sponsor - Creighton) H.B. No. 2182
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 7, 2015, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-6 May 19, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2182 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the collection and refunding of certain fees and
 1-22 deposits by a county clerk or district clerk; increasing certain
 1-23 fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article 17.02, Code of Criminal Procedure, is
 1-26 amended to read as follows:

1-27 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
 1-28 written undertaking entered into by the defendant and the
 1-29 defendant's sureties for the appearance of the principal therein
 1-30 before a court or magistrate to answer a criminal accusation;
 1-31 provided, however, that the defendant on execution of the bail bond
 1-32 may deposit with the custodian of funds of the court in which the
 1-33 prosecution is pending current money of the United States in the
 1-34 amount of the bond in lieu of having sureties signing the same. Any
 1-35 cash funds deposited under this article shall be receipted for by
 1-36 the officer receiving the funds and, on order of the court, be
 1-37 refunded in the amount shown on the face of the receipt less the
 1-38 administrative fee authorized by Section 117.055, Local Government
 1-39 Code, after the defendant complies with the conditions of the
 1-40 defendant's bond, to:

1-41 (1) any person in the name of whom a receipt was
 1-42 issued, [~~in the amount reflected on the face of the receipt,~~]
 1-43 including the defendant if a receipt was issued to the defendant; or

1-44 (2) the defendant, if no other person is able to
 1-45 produce a receipt for the funds.

1-46 SECTION 2. Article 102.004(a), Code of Criminal Procedure,
 1-47 is amended to read as follows:

1-48 (a) A defendant convicted by a jury in a trial before a
 1-49 justice or municipal court shall pay a jury fee of \$3. A defendant
 1-50 in a justice or municipal court who requests a trial by jury and who
 1-51 withdraws the request not earlier than 24 hours before the time of
 1-52 trial shall pay a jury fee of \$3, if the defendant is convicted of
 1-53 the offense or final disposition of the defendant's case is
 1-54 deferred. A defendant convicted by a jury in a county court, a
 1-55 county court at law, or a district court shall pay a jury fee of \$40
 1-56 [~~\$20~~].

1-57 SECTION 3. (a) Section 51.305(b), Government Code, is
 1-58 amended to read as follows:

1-59 (b) The commissioners court of a county may adopt a district
 1-60 court records archive fee of not more than \$10 for the filing of a

2-1 suit, including an appeal from an inferior court, or a
2-2 cross-action, counterclaim, intervention, contempt action, motion
2-3 for new trial, or third-party petition, in any [a-district] court in
2-4 the county for which the district clerk accepts filings as part of
2-5 the county's annual budget. The fee must be set and itemized in the
2-6 county's budget as part of the budget preparation process and must
2-7 be approved in a public meeting. The fee is for preservation and
2-8 restoration services performed in connection with maintaining a
2-9 district court records archive.

2-10 (b) Section 51.305(b), Government Code, as effective
2-11 September 1, 2019, is amended to read as follows:

2-12 (b) The commissioners court of a county may adopt a district
2-13 court records archive fee of not more than \$5 for the filing of a
2-14 suit, including an appeal from an inferior court, or a
2-15 cross-action, counterclaim, intervention, contempt action, motion
2-16 for new trial, or third-party petition, in any [a-district] court in
2-17 the county for which the district clerk accepts filings as part of
2-18 the county's annual budget. The fee must be set and itemized in the
2-19 county's budget as part of the budget preparation process and must
2-20 be approved in a public meeting. The fee is for preservation and
2-21 restoration services performed in connection with maintaining a
2-22 district court records archive.

2-23 SECTION 4. Section 51.319, Government Code, is amended to
2-24 read as follows:

2-25 Sec. 51.319. OTHER FEES. The district clerk shall collect
2-26 the following fees for services performed by the clerk:

2-27 (1) for performing services related to the matter of
2-28 the estate of a deceased person or a minor transacted in the
2-29 district court, the same fees allowed the county clerk for those
2-30 services;

2-31 (2) for serving process by certified or registered
2-32 mail, the same fee that sheriffs and constables are authorized to
2-33 charge for the service under Section 118.131, Local Government
2-34 Code; ~~and~~

2-35 (3) for performing any other service prescribed or
2-36 authorized by law for which no fee is set by law, a reasonable fee;
2-37 and

2-38 (4) for performing services related to a matter filed
2-39 in a statutory county court, the same fees allowed the district
2-40 clerk for those services in the district court.

2-41 SECTION 5. Section 51.604(a), Government Code, is amended
2-42 to read as follows:

2-43 (a) The district clerk shall collect a \$40 [~~\$30~~] jury fee
2-44 for each civil case in which a person applies for a jury trial. The
2-45 clerk of a county court or statutory county court shall collect a
2-46 \$40 [~~\$22~~] jury fee for each civil case in which a person applies for
2-47 a jury trial. The clerk shall note the payment of the fee on the
2-48 court's docket.

2-49 SECTION 6. Section 118.052, Local Government Code, is
2-50 amended to read as follows:

2-51 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
2-52 shall collect the following fees for services rendered to any
2-53 person:

2-54 (1) CIVIL COURT ACTIONS

2-55 (A) Filing of Original Action (Sec. 118.053):

2-56 (i) Garnishment after judgment . . . \$15.00

2-57 (ii) All others . . . \$40.00

2-58 (B) Filing of Action Other than Original (Sec.
2-59 118.054) . . . \$30.00

2-60 (C) Services Rendered After Judgment in Original
2-61 Action (Sec. 118.0545):

2-62 (i) Abstract of judgment . . . \$ 5.00

2-63 (ii) Execution, order of sale, writ, or
2-64 other process . . . \$ 5.00

2-65 (2) PROBATE COURT ACTIONS

2-66 (A) Probate Original Action (Sec. 118.055):

2-67 (i) Probate of a will with independent
2-68 executor, administration with will attached, administration of an
2-69 estate, guardianship or receivership of an estate, or muniment of

3-1 title . . . \$40.00
 3-2 (ii) Community survivors . . . \$40.00
 3-3 (iii) Small estates . . . \$40.00
 3-4 (iv) Declarations of heirship . . . \$40.00
 3-5 (v) Mental health or chemical dependency
 3-6 services . . . \$40.00
 3-7 (vi) Additional, special fee (Sec. 118.064)
 3-8 . . . \$ 5.00
 3-9 (B) Services in Pending Probate Action (Sec.
 3-10 118.056):
 3-11 (i) Filing an inventory and appraisement as
 3-12 provided by Section 118.056(d) . . . \$25.00
 3-13 (ii) Approving and recording bond . . . \$
 3-14 3.00
 3-15 (iii) Administering oath . . . \$ 2.00
 3-16 (iv) Filing annual or final account of
 3-17 estate . . . \$25.00
 3-18 (v) Filing application for sale of real or
 3-19 personal property . . . \$25.00
 3-20 (vi) Filing annual or final report of
 3-21 guardian of a person . . . \$10.00
 3-22 (vii) Filing a document not listed under
 3-23 this paragraph after the filing of an order approving the inventory
 3-24 and appraisement or after the 120th day after the date of the
 3-25 initial filing of the action, whichever occurs first, if more than
 3-26 25 pages . . . \$25.00
 3-27 (C) Adverse Probate Action (Sec. 118.057) . . .
 3-28 \$40.00
 3-29 (D) Claim Against Estate (Sec. 118.058) . . .
 3-30 \$10.00 [~~\$ 2.00~~]
 3-31 (E) Supplemental Court-Initiated Guardianship
 3-32 Fee in Probate Original Actions and Adverse Probate Actions (Sec.
 3-33 118.067) . . . \$20.00
 3-34 (F) Supplemental Public Probate Administrator
 3-35 Fee For Counties That Have Appointed a Public Probate Administrator
 3-36 (Sec. 118.068) . . . \$10.00
 3-37 (3) OTHER FEES
 3-38 (A) Issuing Document (Sec. 118.059): original
 3-39 document and one copy . . . \$ 4.00
 3-40 each additional set of an original and one copy . . . \$ 4.00
 3-41 (B) Certified Papers (Sec. 118.060): for the
 3-42 clerk's certificate . . . \$ 5.00
 3-43 plus a fee per page or part of a page of . . . \$ 1.00
 3-44 (C) Noncertified Papers (Sec. 118.0605): for
 3-45 each page or part of a page . . . \$ 1.00
 3-46 (D) Letters Testamentary, Letter of
 3-47 Guardianship, Letter of Administration, or Abstract of Judgment
 3-48 (Sec. 118.061) . . . \$ 2.00
 3-49 (E) Safekeeping of Wills (Sec. 118.062) . . . \$
 3-50 5.00
 3-51 (F) Mail Service of Process (Sec. 118.063) . . .
 3-52 same as sheriff
 3-53 (G) Records Management and Preservation Fee
 3-54 . . . \$ 5.00
 3-55 SECTION 7. The changes in law made by this Act apply only to
 3-56 a fee that becomes payable on or after the effective date of this
 3-57 Act. A fee that becomes payable before that date is governed by the
 3-58 law in effect when the fee became payable, and the former law is
 3-59 continued in effect for that purpose.
 3-60 SECTION 8. This Act takes effect September 1, 2015.
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