

SENATE AMENDMENTS

2nd Printing

By: Clardy, Kuempel, Faircloth, et al.

H.B. No. 2182

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection and refunding of certain fees and
3 deposits by a county clerk or district clerk; increasing certain
4 fees.

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

6 SECTION 1. Article 17.02, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
9 written undertaking entered into by the defendant and the
10 defendant's sureties for the appearance of the principal therein
11 before a court or magistrate to answer a criminal accusation;
12 provided, however, that the defendant on execution of the bail bond
13 may deposit with the custodian of funds of the court in which the
14 prosecution is pending current money of the United States in the
15 amount of the bond in lieu of having sureties signing the same. Any
16 cash funds deposited under this article shall be receipted for by
17 the officer receiving the funds and, on order of the court, be
18 refunded in the amount shown on the face of the receipt less the
19 administrative fee authorized by Section 117.055, Local Government
20 Code, after the defendant complies with the conditions of the
21 defendant's bond, to:

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

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

3 SECTION 2. Article 102.004(a), Code of Criminal Procedure,
4 is amended to read as follows:

5 (a) A defendant convicted by a jury in a trial before a
6 justice or municipal court shall pay a jury fee of \$3. A defendant
7 in a justice or municipal court who requests a trial by jury and who
8 withdraws the request not earlier than 24 hours before the time of
9 trial shall pay a jury fee of \$3, if the defendant is convicted of
10 the offense or final disposition of the defendant's case is
11 deferred. A defendant convicted by a jury in a county court, a
12 county court at law, or a district court shall pay a jury fee of \$50
13 [~~\$20~~].

14 SECTION 3. (a) Section 51.305(b), Government Code, is
15 amended to read as follows:

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

27 (b) Section 51.305(b), Government Code, as effective

1 September 1, 2019, is amended to read as follows:

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

13 SECTION 4. Section 51.319, Government Code, is amended to
14 read as follows:

15 Sec. 51.319. OTHER FEES. The district clerk shall collect
16 the following fees for services performed by the clerk:

17 (1) for performing services related to the matter of
18 the estate of a deceased person or a minor transacted in the
19 district court, the same fees allowed the county clerk for those
20 services;

21 (2) for serving process by certified or registered
22 mail, the same fee that sheriffs and constables are authorized to
23 charge for the service under Section 118.131, Local Government
24 Code; [~~and~~]

25 (3) for performing any other service prescribed or
26 authorized by law for which no fee is set by law, a reasonable fee;
27 and

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

4 SECTION 5. Section 51.604(a), Government Code, is amended
5 to read as follows:

6 (a) The district clerk shall collect a \$50 [~~\$30~~] jury fee
7 for each civil case in which a person applies for a jury trial. The
8 clerk of a county court or statutory county court shall collect a
9 \$50 [~~\$22~~] jury fee for each civil case in which a person applies for
10 a jury trial. The clerk shall note the payment of the fee on the
11 court's docket.

12 SECTION 6. Section 118.052, Local Government Code, is
13 amended to read as follows:

14 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
15 shall collect the following fees for services rendered to any
16 person:

- 17 (1) CIVIL COURT ACTIONS
- 18 (A) Filing of Original Action (Sec. 118.053):
- 19 (i) Garnishment after judgment . . . \$15.00
- 20 (ii) All others . . . \$40.00
- 21 (B) Filing of Action Other than Original (Sec.
- 22 118.054) . . . \$30.00
- 23 (C) Services Rendered After Judgment in Original
- 24 Action (Sec. 118.0545):
- 25 (i) Abstract of judgment . . . \$ 5.00
- 26 (ii) Execution, order of sale, writ, or
- 27 other process . . . \$ 5.00

1 (2) PROBATE COURT ACTIONS

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

3 (i) Probate of a will with independent
4 executor, administration with will attached, administration of an
5 estate, guardianship or receivership of an estate, or muniment of
6 title . . . \$40.00

7 (ii) Community survivors . . . \$40.00

8 (iii) Small estates . . . \$40.00

9 (iv) Declarations of heirship . . . \$40.00

10 (v) Mental health or chemical dependency
11 services . . . \$40.00

12 (vi) Additional, special fee (Sec. 118.064)
13 . . . \$ 5.00

14 (B) Services in Pending Probate Action (Sec.
15 118.056):

16 (i) Filing an inventory and appraisal as
17 provided by Section 118.056(d) . . . \$25.00

18 (ii) Approving and recording bond . . . \$
19 3.00

20 (iii) Administering oath . . . \$ 2.00

21 (iv) Filing annual or final account of
22 estate . . . \$25.00

23 (v) Filing application for sale of real or
24 personal property . . . \$25.00

25 (vi) Filing annual or final report of
26 guardian of a person . . . \$10.00

27 (vii) Filing a document not listed under

1 this paragraph after the filing of an order approving the inventory
2 and appraisement or after the 120th day after the date of the
3 initial filing of the action, whichever occurs first, if more than
4 25 pages . . . \$25.00

5 (C) Adverse Probate Action (Sec. 118.057) . . .
6 \$40.00

7 (D) Claim Against Estate (Sec. 118.058) . . .
8 \$10.00 [~~\$ 2.00~~]

9 (E) Supplemental Court-Initiated Guardianship
10 Fee in Probate Original Actions and Adverse Probate Actions (Sec.
11 118.067) . . . \$20.00

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

15 (3) OTHER FEES

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

19 (B) Certified Papers (Sec. 118.060): for the
20 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): for
23 each page or part of a page . . . \$ 1.00

24 (D) Letters Testamentary, Letter of
25 Guardianship, Letter of Administration, or Abstract of Judgment
26 (Sec. 118.061) . . . \$ 2.00

27 (E) Safekeeping of Wills (Sec. 118.062) . . . \$

1 5.00

2 (F) Mail Service of Process (Sec. 118.063) . . .
3 same as sheriff

4 (G) Records Management and Preservation Fee
5 . . . \$ 5.00

6 SECTION 7. The changes in law made by this Act apply only to
7 a fee that becomes payable on or after the effective date of this
8 Act. A fee that becomes payable before that date is governed by the
9 law in effect when the fee became payable, and the former law is
10 continued in effect for that purpose.

11 SECTION 8. This Act takes effect September 1, 2015.

ADOPTED

MAY 22 2015

By: Brandon Ceghtor

Lacey Gray
Secretary of the Senate

H.B. No. 2182

Substitute the following for H.B. No. 2182:

By: Brandon Ceghtor

C.S. H.B. No. 2182

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11 before a court or magistrate to answer a criminal accusation;
12 provided, however, that the defendant on execution of the bail bond
13 may deposit with the custodian of funds of the court in which the
14 prosecution is pending current money of the United States in the
15 amount of the bond in lieu of having sureties signing the same. Any
16 cash funds deposited under this article shall be receipted for by
17 the officer receiving the funds and, on order of the court, be
18 refunded in the amount shown on the face of the receipt less the
19 administrative fee authorized by Section 117.055, Local Government
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21 defendant's bond, to:

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8 withdraws the request not earlier than 24 hours before the time of
9 trial shall pay a jury fee of \$3, if the defendant is convicted of
10 the offense or final disposition of the defendant's case is
11 deferred. A defendant convicted by a jury in a county court, a
12 county court at law, or a district court shall pay a jury fee of \$40
13 [~~\$20~~].

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15 amended to read as follows:

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17 court records archive fee of not more than \$10 for the filing of a
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7 a fee that becomes payable on or after the effective date of this
8 Act. A fee that becomes payable before that date is governed by the
9 law in effect when the fee became payable, and the former law is
10 continued in effect for that purpose.

11 SECTION 8. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 23, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2182 by Clardy (Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Code of Criminal Procedure relating to the collection, refunding of and amount of certain fees and deposits by a county or district clerk. The bill would permit a district clerk to assess the same fees allowed by the district clerk for performing services in district court cases in a case in a county court at law handled by the district clerk.

Local Government Impact

There would be a revenue increase to counties as a result of the provisions of the bill. The impact on counties would vary depending on a number of factors including, the number of individuals who post bail, if a county has a district clerk who serves as the clerk of certain cases handled by the county court at law, if a county commissioners court has authorized the collection of certain fees and the number of applicable cases in a county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, FR, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 19, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2182** by Clardy (Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the collection, refunding of and amount of certain fees and deposits by a county or district clerk. The bill would permit a district clerk to assess the same fees allowed by the district clerk for performing services in district court cases in a case in a county court at law handled by the district clerk.

Local Government Impact

There would be a revenue increase to counties as a result of the provisions of the bill. The impact on counties would vary depending on a number of factors including, the number of individuals who post bail, if a county has a district clerk who serves as the clerk of certain cases handled by the county court at law, if a county commissioners court has authorized the collection of certain fees and the number of applicable cases in a county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, FR, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2182 by Clardy (Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Code of Criminal Procedure relating to the collection, refunding of and amount of certain fees and deposits by a county or district clerk. The bill would permit a district clerk to assess the same fees allowed by the district clerk for performing services in district court cases in a case in a county court at law handled by the district clerk.

Local Government Impact

There would be a revenue increase to counties as a result of the provisions of the bill. The impact on counties would vary depending on a number of factors including, the number of individuals who post bail, if a county has a district clerk who serves as the clerk of certain cases handled by the county court at law, if a county commissioners court has authorized the collection of certain fees and the number of applicable cases in a county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, FR, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 13, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2182 by Clardy (Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the collection, refunding of and amount of certain fees and deposits by a county or district clerk. The bill would permit a district clerk to assess the same fees allowed by the district clerk for performing services in district court cases in a case in a county court at law handled by the district clerk.

Local Government Impact

There would be a revenue increase to counties as a result of the provisions of the bill. The impact on counties would vary depending on a number of factors including, the number of individuals who post bail, if a county has a district clerk who serves as the clerk of certain cases handled by the county court at law, if a county commissioners court has authorized the collection of certain fees and the number of applicable cases in a county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, FR, SD, EK