

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 30, 2009

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

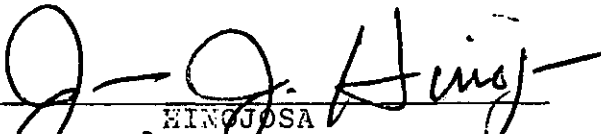
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3637 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



WENTWORTH

DUNCAN



HINGJOSA

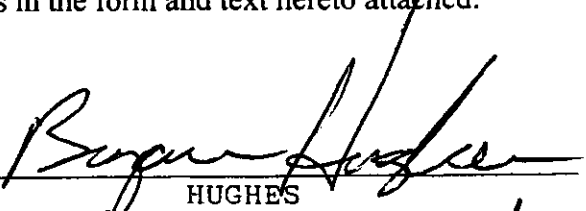


WATSON

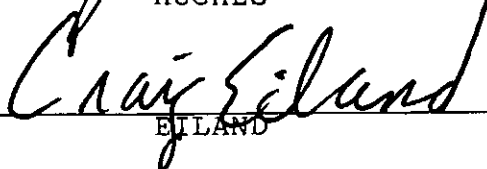


On the part of the Senate

WILLIAMS



HUGHES



EILAND

LEWIS



SMITHEE



On the part of the House

TURNER OF HARRIS

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3637

A BILL TO BE ENTITLED

1 AN ACT

2 relating to filing fees in civil actions and proceedings and the use
3 of those fees, to costs on conviction in certain courts, to money
4 paid into the registry of a court in certain counties, and to the
5 appointment of counsel in certain suits.

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

7 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
8 Procedure, is amended by adding Article 102.0169 to read as
9 follows:

10 Art. 102.0169. COURT COSTS; COUNTY AND DISTRICT COURT
11 TECHNOLOGY FUND. (a) A defendant convicted of a criminal offense in
12 a county court, statutory county court, or district court shall pay
13 a \$4 county and district court technology fee as a cost of court.

14 (b) In this article, a person is considered convicted if:

15 (1) a sentence is imposed on the person;

16 (2) the person receives community supervision,
17 including deferred adjudication; or

18 (3) the court defers final disposition of the person's
19 case.

20 (c) The clerks of the courts described by Subsection (a)
21 shall collect the costs and pay them to the county treasurer or to
22 any other official who discharges the duties commonly delegated to
23 the county treasurer, as appropriate, for deposit in a fund to be
24 known as the county and district court technology fund.

1 (d) A fund designated by this article may be used only to
2 finance:

3 (1) the cost of continuing education and training for
4 county court, statutory county court, or district court judges and
5 clerks regarding technological enhancements for those courts; and

6 (2) the purchase and maintenance of technological
7 enhancements for a county court, statutory county court, or
8 district court, including:

9 (A) computer systems;

10 (B) computer networks;

11 (C) computer hardware;

12 (D) computer software;

13 (E) imaging systems;

14 (F) electronic kiosks; and

15 (G) docket management systems.

16 (e) The county and district court technology fund shall be
17 administered by or under the direction of the commissioners court
18 of the county.

19 SECTION 2. Section 117.111, Local Government Code, is
20 amended to read as follows:

21 Sec. 117.111. SUBCHAPTER APPLICABLE TO COUNTY WITH
22 POPULATION OF 1.3 [~~2.4~~] MILLION OR MORE. This subchapter applies
23 only to a county with a population of 1.3 [~~2.4~~] million or more.

24 SECTION 3. The heading to Subchapter E, Chapter 117, Local
25 Government Code, is amended to read as follows:

26 SUBCHAPTER E. SPECIAL PROVISIONS APPLYING TO FUNDS PAID INTO COURT
27 REGISTRY IN COUNTY WITH POPULATION OF MORE THAN 1.3 [~~2.4~~] MILLION

1 SECTION 4. Section 133.152(a), Local Government Code, is
2 amended to read as follows:

3 (a) In addition to other fees collected under Section
4 133.151(a) or otherwise authorized or required by law, the clerk of
5 a district court shall collect the following fees on the filing of
6 any civil action or proceeding requiring a filing fee, including an
7 appeal, and on the filing of any counterclaim, cross-action,
8 intervention, interpleader, or third-party action requiring a
9 filing fee:

10 (1) \$5 in family law cases and proceedings as defined
11 by Section 25.0002, Government Code; and

12 (2) \$10 in any case other than a case described by
13 Subdivision (1).

14 SECTION 5. Section 133.153(a), Local Government Code, is
15 amended to read as follows:

16 (a) In addition to other fees authorized or required by law,
17 the clerk of a court other than a district court, the courts of
18 appeals, or the supreme court shall collect the following fees on
19 the filing of any civil action or proceeding requiring a filing fee,
20 including an appeal, and on the filing of any counterclaim,
21 cross-action, intervention, interpleader, or third-party action
22 requiring a filing fee:

23 (1) \$10 [~~\$5~~] for statutory and constitutional county
24 courts; and

25 (2) \$6 [~~\$2~~] for justice of the peace courts.

26 SECTION 6. Subchapter A, Chapter 25, Government Code, is
27 amended by adding Section 25.0020 to read as follows:

1 Sec. 25.0020. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

2 (a) On a written application of any party to an eviction suit, the
3 county court or county court at law in which an appeal of the suit is
4 filed may appoint any qualified attorney who is willing to provide
5 pro bono services in the matter or counsel from a list provided by a
6 pro bono legal services program of counsel willing to be appointed
7 to handle appeals under this section to attend to the cause of a
8 party who:

9 (1) was in possession of the residence at the time the
10 eviction suit was filed in the justice court; and

11 (2) has perfected the appeal on a pauper's affidavit
12 approved in accordance with Rule 749a, Texas Rules of Civil
13 Procedure.

14 (b) The appointed counsel shall represent the individual in
15 the proceedings of the suit in the county court or county court at
16 law. At the conclusion of those proceedings, the appointment
17 terminates.

18 (c) The court may terminate representation appointed under
19 this section for cause.

20 (d) Appointed counsel may not receive attorney's fees
21 unless the recovery of attorney's fees is provided for by contract,
22 statute, common law, court rules, or other regulations. The county
23 is not responsible for payment of attorney's fees to appointed
24 counsel.

25 (e) The court shall provide for a method of service of
26 written notice on the parties to an eviction suit of the right to
27 request an appointment of counsel on perfection of appeal on

1 approval of a pauper's affidavit.

2 SECTION 7. Subchapter A, Chapter 26, Government Code, is
3 amended by adding Section 26.010 to read as follows:

4 Sec. 26.010. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

5 (a) On a written application of any party to an eviction suit, the
6 county court or county court at law in which an appeal of the suit is
7 filed may appoint any qualified attorney who is willing to provide
8 pro bono services in the matter or counsel from a list provided by a
9 pro bono legal services program of counsel willing to be appointed
10 to handle appeals under this section to attend to the cause of a
11 party who:

12 (1) was in possession of the residence at the time the
13 eviction suit was filed in the justice court; and

14 (2) has perfected the appeal on a pauper's affidavit
15 approved in accordance with Rule 749a, Texas Rules of Civil
16 Procedure.

17 (b) The appointed counsel shall represent the individual in
18 the proceedings of the suit in the county court or county court at
19 law. At the conclusion of those proceedings, the appointment
20 terminates.

21 (c) The court may terminate representation appointed under
22 this section for cause.

23 (d) Appointed counsel may not receive attorney's fees
24 unless the recovery of attorney's fees is provided for by contract,
25 statute, common law, court rules, or other regulations. The county
26 is not responsible for payment of attorney's fees to appointed
27 counsel.

1 (e) The court shall provide for a method of service of
2 written notice on the parties to an eviction suit of the right to
3 request an appointment of counsel on perfection of appeal on
4 approval of a pauper's affidavit.

5 SECTION 8. Subchapter H, Chapter 51, Government Code, is
6 amended by adding Section 51.708 to read as follows:

7 Sec. 51.708. ADDITIONAL FILING FEE FOR CIVIL CASES IN
8 CERTAIN COURTS. (a) In addition to all other fees authorized or
9 required by other law, the clerk of a county court, statutory county
10 court, or district court shall collect a filing fee of not more than
11 \$10 in each civil case filed in the court to be used for court record
12 preservation for the courts in the county.

13 (b) Court fees due under this section shall be collected in
14 the same manner as other fees, fines, or costs are collected in the
15 case.

16 (c) The clerk at least monthly shall send the fees collected
17 under this section to the county treasurer or to any other official
18 who discharges the duties commonly assigned to the county
19 treasurer. The treasurer or other official shall deposit the fees
20 in a court record preservation account in the county treasury. The
21 money in the account may be used only to digitize court records and
22 preserve the records from natural disasters.

23 (d) The court record preservation account shall be
24 administered by or under the direction of the commissioners court
25 of the county.

26 SECTION 9. Subchapter D, Chapter 101, Government Code, is
27 amended by adding Section 101.06117 to read as follows:

1 Sec. 101.06117. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
2 CODE. The clerk of a district court shall collect an additional
3 filing fee not to exceed \$10 under Section 51.708, Government Code,
4 in certain civil cases to fund the preservation of court records.

5 SECTION 10. Subchapter E, Chapter 101, Government Code, is
6 amended by adding Section 101.08115 to read as follows:

7 Sec. 101.08115. ADDITIONAL STATUTORY COUNTY COURT FEES:
8 GOVERNMENT CODE. The clerk of a statutory county court shall
9 collect an additional filing fee not to exceed \$10 under Section
10 51.708, Government Code, in certain civil cases to fund the
11 preservation of court records.

12 SECTION 11. (a) Section 101.0814, Government Code, is
13 amended to conform to the amendments made to Section 101.081,
14 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
15 Legislature, Regular Session, 2007, and to conform to the
16 amendments made to Section 101.083, Government Code, by Chapter
17 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
18 2007, and is further amended to read as follows:

19 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL
20 GOVERNMENT CODE. The clerk of a statutory county court shall
21 collect fees and costs under the Local Government Code as follows:

22 (1) additional filing fee to fund contingency fund for
23 liability insurance, if authorized by the county commissioners
24 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

25 (2) civil court actions (Sec. 118.052, Local
26 Government Code):

27 (A) filing of original action (Secs. 118.052 and

1 118.053, Local Government Code):

2 (i) garnishment after judgment (Sec.
3 118.052, Local Government Code) . . . \$15; and

4 (ii) all others (Sec. 118.052, Local
5 Government Code) . . . \$40;

6 (B) filing of action other than original (Secs.
7 118.052 and 118.054, Local Government Code) . . . \$30; and

8 (C) services rendered after judgment in original
9 action (Secs. 118.052 and 118.0545, Local Government Code):

10 (i) abstract of judgment (Sec. 118.052,
11 Local Government Code) . . . \$5; and

12 (ii) execution, order of sale, writ, or
13 other process (Sec. 118.052, Local Government Code) . . . \$5;

14 (3) probate court actions (Sec. 118.052, Local
15 Government Code):

16 (A) probate original action (Secs. 118.052 and
17 118.055, Local Government Code):

18 (i) probate of a will with independent
19 executor, administration with will attached, administration of an
20 estate, guardianship or receivership of an estate, or muniment of
21 title (Sec. 118.052, Local Government Code) . . . \$40;

22 (ii) community survivors (Sec. 118.052,
23 Local Government Code) . . . \$40;

24 (iii) small estates (Sec. 118.052, Local
25 Government Code) . . . \$40;

26 (iv) declarations of heirship (Sec.
27 118.052, Local Government Code) . . . \$40;

- 1 (v) mental health or chemical dependency
2 services (Sec. 118.052, Local Government Code) . . . \$40; and
3 (vi) additional, special fee (Secs. 118.052
4 and 118.064, Local Government Code) . . . \$5;
- 5 (B) services in pending probate action (Secs.
6 118.052 and 118.056, Local Government Code):
- 7 (i) filing an inventory and appraisement
8 ~~(Secs. [after the 120th day after the date of the initial filing of~~
9 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
10 . . . \$25;
- 11 (ii) approving and recording bond (Sec.
12 118.052, Local Government Code) . . . \$3;
- 13 (iii) administering oath (Sec. 118.052,
14 Local Government Code) . . . \$2;
- 15 (iv) filing annual or final account of
16 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 17 (v) filing application for sale of real or
18 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 19 (vi) filing annual or final report of
20 guardian of a person (Sec. 118.052, Local Government Code) . . .
21 \$10; and
- 22 (vii) filing a document not listed under
23 this paragraph after the filing of an order approving the inventory
24 and appraisement or after the 120th day after the date of the
25 initial filing of the action, whichever occurs first (Secs. 118.052
26 and 191.007, Local Government Code), if more than 25 pages . . .
27 \$25;

1 (C) adverse probate action (Secs. 118.052 and
2 118.057, Local Government Code) . . . \$40; and

3 (D) claim against estate (Secs. 118.052 and
4 118.058, Local Government Code) . . . \$2;

5 (4) other fees (Sec. 118.052, Local Government Code):

6 (A) issuing document (Secs. 118.052 and 118.059,
7 Local Government Code):

8 (i) original document and one copy (Sec.
9 118.052, Local Government Code) . . . \$4; and

10 (ii) each additional set of an original and
11 one copy (Sec. 118.052, Local Government Code) . . . \$4;

12 (B) certified papers (Secs. 118.052 and 118.060,
13 Local Government Code):

14 (i) for the clerk's certificate (Sec.
15 118.052, Local Government Code) . . . \$5; and

16 (ii) a fee per page or part of a page (Sec.
17 118.052, Local Government Code) . . . \$1;

18 (C) noncertified papers, for each page or part of
19 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
20 \$1;

21 (D) letters testamentary, letter of
22 guardianship, letter of administration, or abstract of judgment
23 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

24 (E) safekeeping of wills (Secs. 118.052 and
25 118.062, Local Government Code) . . . \$5;

26 (F) mail service of process (Secs. 118.052 and
27 118.063, Local Government Code) . . . same as sheriff; and

1 (G) records management and preservation fee
2 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
3 . . . \$5;

4 (5) additional filing fee for filing any civil action
5 or proceeding requiring a filing fee, including an appeal, and on
6 the filing of any counterclaim, cross-action, intervention,
7 interpleader, or third-party action requiring a filing fee, to fund
8 civil legal services for the indigent (Sec. 133.153, Local
9 Government Code) . . . \$10 [~~\$5~~];

10 (6) on the filing of a civil suit, an additional filing
11 fee to be used for court-related purposes for the support of the
12 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

13 (7) additional filing fee to fund the courthouse
14 security fund, if authorized by the county commissioners court
15 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

16 (8) additional filing fee for filing documents not
17 subject to certain filing fees to fund the courthouse security
18 fund, if authorized by the county commissioners court (Sec.
19 291.008, Local Government Code) . . . \$1;

20 (9) additional filing fee to fund the courthouse
21 security fund in Webb County, if authorized by the county
22 commissioners court (Sec. 291.009, Local Government Code) . . . not
23 to exceed \$20; and

24 (10) court cost in civil cases other than suits for
25 delinquent taxes to fund the county law library fund, if authorized
26 by the county commissioners court (Sec. 323.023, Local Government
27 Code) . . . not to exceed \$35.

1 (b) Section 101.083, Government Code, is repealed.

2 SECTION 12. Section 101.1013, Government Code, is amended
3 to conform to the amendments made to Section 101.101, Government
4 Code, by Chapter 399 (S.B. 819), Acts of the 80th Legislature,
5 Regular Session, 2007, and is further amended to read as follows:

6 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
7 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
8 collect fees and costs under the Local Government Code as follows:

9 (1) additional filing fee for filing any civil action
10 or proceeding requiring a filing fee, including an appeal, and on
11 the filing of any counterclaim, cross-action, intervention,
12 interpleader, or third-party action requiring a filing fee to fund
13 civil legal services for the indigent (Sec. 133.153, Local
14 Government Code). . . \$10 [~~\$5~~];

15 (2) additional filing fee to fund contingency fund for
16 liability insurance, if authorized by the county commissioners
17 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

18 (3) probate court actions (Sec. 118.052, Local
19 Government Code):

20 (A) probate original action (Secs. 118.052 and
21 118.055, Local Government Code):

22 (i) probate of a will with independent
23 executor, administration with will attached, administration of an
24 estate, guardianship or receivership of an estate, or muniment of
25 title (Sec. 118.052, Local Government Code) . . . \$40;

26 (ii) community survivors (Sec. 118.052,
27 Local Government Code) . . . \$40;

- 1 (iii) small estates (Sec. 118.052, Local
2 Government Code) . . . \$40;
- 3 (iv) declarations of heirship (Sec.
4 118.052, Local Government Code) . . . \$40;
- 5 (v) mental health or chemical dependency
6 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 7 (vi) additional, special fee (Secs. 118.052
8 and 118.064, Local Government Code) . . . \$5;
- 9 (B) services in pending probate action (Secs.
10 118.052 and 118.056, Local Government Code):
- 11 (i) filing an inventory and appraisalment
12 ~~(Secs. [after the 120th day after the date of the initial filing of~~
13 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
14 . . . \$25;
- 15 (ii) approving and recording bond (Sec.
16 118.052, Local Government Code) . . . \$3;
- 17 (iii) administering oath (Sec. 118.052,
18 Local Government Code) . . . \$2;
- 19 (iv) filing annual or final account of
20 estate (Sec. 118.052, Local Government Code). . . \$25;
- 21 (v) filing application for sale of real or
22 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 23 (vi) filing annual or final report of
24 guardian of a person (Sec. 118.052, Local Government Code) . . .
25 \$10; and
- 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 (Secs. 118.052
3 and 191.007, Local Government Code), if more than 25 pages . . .
4 \$25;

5 (C) adverse probate action (Secs. 118.052 and
6 118.057, Local Government Code) . . . \$40; and

7 (D) claim against estate (Secs. 118.052 and
8 118.058, Local Government Code) . . . \$2;

9 (4) other fees (Sec. 118.052, Local Government Code):

10 (A) issuing document (Secs. 118.052 and 118.059,
11 Local Government Code):

12 (i) original document and one copy (Sec.
13 118.052, Local Government Code) . . . \$4; and

14 (ii) each additional set of an original and
15 one copy (Sec. 118.052, Local Government Code) . . . \$4;

16 (B) certified papers (Secs. 118.052 and 118.060,
17 Local Government Code):

18 (i) for the clerk's certificate (Sec.
19 118.052, Local Government Code) . . . \$5; and

20 (ii) a fee per page or part of a page (Sec.
21 118.052, Local Government Code) . . . \$1;

22 (C) noncertified papers, for each page or part of
23 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
24 \$1;

25 (D) letters testamentary, letter of
26 guardianship, letter of administration, or abstract of judgment
27 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

1 (E) safekeeping of wills (Secs. 118.052 and
2 118.062, Local Government Code) . . . \$5;

3 (F) mail service of process (Secs. 118.052 and
4 118.063, Local Government Code) . . . same as sheriff; and

5 (G) records management and preservation fee
6 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

7 (5) court cost in civil cases other than suits for
8 delinquent taxes to fund the county law library fund, if authorized
9 by the county commissioners court (Sec. 323.023, Local Government
10 Code) . . . not to exceed \$35.

11 SECTION 13. Subchapter G, Chapter 101, Government Code, is
12 amended by adding Section 101.12124 to read as follows:

13 Sec. 101.12124. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
14 CODE. The clerk of a county court shall collect an additional
15 filing fee not to exceed \$10 under Section 51.708, Government Code,
16 in certain civil cases to fund the preservation of court records.

17 SECTION 14. (a) Section 101.1214, Government Code, is
18 amended to conform to the amendments made to Section 101.121,
19 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
20 Legislature, Regular Session, 2007, and to conform to the
21 amendments made to Section 101.123, Government Code, by Chapter
22 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
23 2007, and is further amended to read as follows:

24 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
25 GOVERNMENT CODE. The clerk of a county court shall collect the
26 following fees and costs under the Local Government Code:

27 (1) additional filing fee to fund contingency fund for

1 liability insurance, if authorized by the county commissioners
2 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3 (2) civil court actions (Sec. 118.052, Local
4 Government Code):

5 (A) filing of original action (Secs. 118.052 and
6 118.053, Local Government Code):

7 (i) garnishment after judgment (Sec.
8 118.052, Local Government Code) . . . \$15; and

9 (ii) all others (Sec. 118.052, Local
10 Government Code) . . . \$40;

11 (B) filing of action other than original (Secs.
12 118.052 and 118.054, Local Government Code) . . . \$30; and

13 (C) services rendered after judgment in original
14 action (Secs. 118.052 and 118.0545, Local Government Code):

15 (i) abstract of judgment (Sec. 118.052,
16 Local Government Code) . . . \$5; and

17 (ii) execution, order of sale, writ, or
18 other process (Sec. 118.052, Local Government Code) . . . \$5;

19 (3) probate court actions (Sec. 118.052, Local
20 Government Code):

21 (A) probate original action (Secs. 118.052 and
22 118.055, Local Government Code):

23 (i) probate of a will with independent
24 executor, administration with will attached, administration of an
25 estate, guardianship or receivership of an estate, or muniment of
26 title (Sec. 118.052, Local Government Code) . . . \$40;

27 (ii) community survivors (Sec. 118.052,

- 1 Local Government Code) . . . \$40;
- 2 (iii) small estates (Sec. 118.052, Local
- 3 Government Code) . . . \$40;
- 4 (iv) declarations of heirship (Sec.
- 5 118.052, Local Government Code) . . . \$40;
- 6 (v) mental health or chemical dependency
- 7 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 8 (vi) additional, special fee (Secs. 118.052
- 9 and 118.064, Local Government Code) . . . \$5;
- 10 (B) services in pending probate action (Secs.
- 11 118.052 and 118.056, Local Government Code):
- 12 (i) filing an inventory and appraisement
- 13 (Secs. [after the 120th day after the date of the initial filing of
- 14 the action (Sec.] 118.052 and 118.056(d), Local Government Code)
- 15 . . . \$25;
- 16 (ii) approving and recording bond (Sec.
- 17 118.052, Local Government Code) . . . \$3;
- 18 (iii) administering oath (Sec. 118.052,
- 19 Local Government Code) . . . \$2;
- 20 (iv) filing annual or final account of
- 21 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 22 (v) filing application for sale of real or
- 23 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 24 (vi) filing annual or final report of
- 25 guardian of a person (Sec. 118.052, Local Government Code) . . .
- 26 \$10; and
- 27 (vii) filing a document not listed under

1 this paragraph after the filing of an order approving the inventory
2 and appraisal or after the 120th day after the date of the
3 initial filing of the action, whichever occurs first (Secs. 118.052
4 and 191.007, Local Government Code), if more than 25 pages . . .
5 \$25;

6 (C) adverse probate action (Secs. 118.052 and
7 118.057, Local Government Code) . . . \$40; and

8 (D) claim against estate (Secs. 118.052 and
9 118.058, Local Government Code) . . . \$2;

10 (4) other fees (Sec. 118.052, Local Government Code):

11 (A) issuing document (Secs. 118.052 and 118.059,
12 Local Government Code):

13 (i) original document and one copy (Sec.
14 118.052, Local Government Code) . . . \$4; and

15 (ii) each additional set of an original and
16 one copy (Sec. 118.052, Local Government Code) . . . \$4;

17 (B) certified papers (Secs. 118.052 and 118.060,
18 Local Government Code):

19 (i) for the clerk's certificate (Sec.
20 118.052, Local Government Code) . . . \$5; and

21 (ii) a fee per page or part of a page (Sec.
22 118.052, Local Government Code) . . . \$1;

23 (C) noncertified papers, for each page or part of
24 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
25 \$1;

26 (D) letters testamentary, letter of
27 guardianship, letter of administration, or abstract of judgment

- 1 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 2 (E) safekeeping of wills (Secs. 118.052 and
3 118.062, Local Government Code) . . . \$5;
- 4 (F) mail service of process (Secs. 118.052 and
5 118.063, Local Government Code) . . . same as sheriff; and
- 6 (G) records management and preservation fee
7 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
8 . . . \$5;
- 9 (5) deposit on filing petition requesting permission
10 to create a municipal civic center authority (Sec. 281.013, Local
11 Government Code) . . . \$200;
- 12 (6) additional filing fee to fund the courthouse
13 security fund, if authorized by the county commissioners court
14 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
- 15 (7) additional filing fee for filing documents not
16 subject to certain filing fees to fund the courthouse security
17 fund, if authorized by the county commissioners court (Sec.
18 291.008, Local Government Code) . . . \$1;
- 19 (8) additional filing fee to fund the courthouse
20 security fund in Webb County, if authorized by the county
21 commissioners court (Sec. 291.009, Local Government Code) . . . not
22 to exceed \$20;
- 23 (9) court cost in civil cases other than suits for
24 delinquent taxes to fund the county law library fund, if authorized
25 by the county commissioners court (Sec. 323.023, Local Government
26 Code) . . . not to exceed \$35;
- 27 (10) additional filing fee for filing any civil action

1 or proceeding requiring a filing fee, including an appeal, and on
2 the filing of any counterclaim, cross-action, intervention,
3 interpleader, or third-party action requiring a filing fee, to fund
4 civil legal services for the indigent (Sec. 133.153, Local
5 Government Code) . . . \$10 [~~\$5~~]; and

6 (11) on the filing of a civil suit an additional filing
7 fee to be used for court-related purposes for the support of the
8 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

9 (b) Section 101.123, Government Code, is repealed.

10 SECTION 15. Section 101.141(b), Government Code, as amended
11 by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
12 Session, 2007, is amended to conform to the amendments made to
13 Section 101.141(a), Government Code, by Chapter 1046 (H.B. 2094),
14 Acts of the 80th Legislature, Regular Session, 2007, and is further
15 amended to read as follows:

16 (b) A clerk of a justice court shall collect fees and costs
17 under other laws as follows:

18 (1) the cost of a special program that a court may
19 order a child to attend after a finding that the child committed an
20 offense, if ordered by the court (Art. 45.057, Code of Criminal
21 Procedure) . . . costs of the program not to exceed \$100;

22 (2) additional filing fees:

23 (A) to fund Dallas County civil court facilities
24 (Sec. 51.705, Government Code) . . . not more than \$15; and

25 (B) for filing any civil action or proceeding
26 requiring a filing fee, including an appeal, and on the filing of
27 any counterclaim, cross-action, intervention, interpleader, or

1 third-party action requiring a filing fee, to fund civil legal
2 services for the indigent (Sec. 133.153, Local Government Code)
3 . . . \$6 [~~\$2~~];

4 (3) for filing a suit in Comal County (Sec. 152.0522,
5 Human Resources Code) . . . \$1.50; and

6 (4) fee for hearing on probable cause for removal of a
7 vehicle and placement in a storage facility if assessed by the court
8 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
9 \$20.

10 SECTION 16. (a) Section 102.041, Government Code, as
11 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
12 Regular Session, 2007, is amended to conform to the amendments made
13 by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
14 Session, 2007, to Section 102.041, Government Code, and is further
15 amended to read as follows:

16 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
17 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district
18 court shall collect fees and costs under the Code of Criminal
19 Procedure on conviction of a defendant as follows:

20 (1) a jury fee (Art. 102.004, Code of Criminal
21 Procedure) . . . \$20;

22 (2) a fee for clerk of the court services (Art.
23 102.005, Code of Criminal Procedure) . . . \$40;

24 (3) a records management and preservation services fee
25 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

26 (4) a county and district court technology fee (Art.
27 102.0169, Code of Criminal Procedure) . . . \$4;

1 (5) a security fee on a felony offense (Art. 102.017,
2 Code of Criminal Procedure) . . . \$5;

3 (6) [~~+5~~] a security fee on a misdemeanor offense
4 (Art. 102.017, Code of Criminal Procedure) . . . \$3; and

5 (7) [~~+6~~] a juvenile delinquency prevention and
6 graffiti eradication fee (Art. 102.0171, Code of Criminal
7 Procedure) . . . \$50 [~~\$5~~].

8 (b) Section 102.041, Government Code, as amended by Chapter
9 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
10 2007, is repealed. Section 102.041, Government Code, as amended by
11 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
12 Session, 2007, to reorganize and renumber that section, continues
13 in effect as further amended by this section.

14 SECTION 17. (a) Section 102.061, Government Code, as
15 reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th
16 Legislature, Regular Session, 2007, is amended to conform to the
17 amendments made to Section 102.061, Government Code, by Chapter
18 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
19 2007, and is further amended to read as follows:

20 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
21 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
22 statutory county court shall collect fees and costs under the Code
23 of Criminal Procedure on conviction of a defendant as follows:

24 (1) a jury fee (Art. 102.004, Code of Criminal
25 Procedure) . . . \$20;

26 (2) a fee for services of the clerk of the court (Art.
27 102.005, Code of Criminal Procedure) . . . \$40;

1 (3) a records management and preservation services fee
2 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

3 (4) a county and district court technology fee (Art.
4 102.0169, Code of Criminal Procedure) . . . \$4;

5 (5) a security fee on a misdemeanor offense (Art.
6 102.017, Code of Criminal Procedure) . . . \$3;

7 (6) [~~45~~] a juvenile delinquency prevention and
8 graffiti eradication fee (Art. 102.0171, Code of Criminal
9 Procedure) . . . \$50 [~~\$5~~]; and

10 (7) [~~46~~] a juvenile case manager fee (Art. 102.0174,
11 Code of Criminal Procedure) . . . not to exceed \$5.

12 (b) Section 102.061, Government Code, as amended by Chapter
13 1053, Acts of the 80th Legislature, Regular Session, 2007, is
14 repealed. Section 102.061, Government Code, as reenacted and
15 amended by Chapter 921, Acts of the 80th Legislature, Regular
16 Session, 2007, to reorganize and renumber that section, continues
17 in effect as further amended by this section.

18 SECTION 18. (a) Section 102.081, Government Code, as
19 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
20 Regular Session, 2007, is amended to conform to the amendments made
21 to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),
22 Acts of the 80th Legislature, Regular Session, 2007, and is further
23 amended to read as follows:

24 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
25 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
26 court shall collect fees and costs under the Code of Criminal
27 Procedure on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) . . . \$20;

3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) . . . \$40;

5 (3) a records management and preservation services fee
6 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

7 (4) a county and district court technology fee (Art.
8 102.0169, Code of Criminal Procedure) . . . \$4;

9 (5) a security fee on a misdemeanor offense (Art.
10 102.017, Code of Criminal Procedure) . . . \$3;

11 (6) [~~5~~] a juvenile delinquency prevention and
12 graffiti eradication fee (Art. 102.0171, Code of Criminal
13 Procedure) . . . \$50 [~~\$5~~]; and

14 (7) [~~6~~] a juvenile case manager fee (Art. 102.0174,
15 Code of Criminal Procedure) . . . not to exceed \$5.

16 (b) Section 102.081, Government Code, as amended by Chapter
17 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
18 2007, is repealed. Section 102.081, Government Code, as amended by
19 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
20 Session, 2007, to reorganize and renumber that section, continues
21 in effect as further amended by this section.

22 SECTION 19. The change in law made by this Act in adding
23 Sections 25.0020 and 26.010, Government Code, applies only to an
24 eviction suit filed on or after the effective date of this Act. A
25 suit filed before the effective date of this Act is governed by the
26 law in effect immediately before that date, and that law is
27 continued in effect for that purpose.

1 SECTION 20. The change in law made by this Act in adding
2 Article 102.0169, Code of Criminal Procedure, applies only to a
3 cost on conviction for an offense committed on or after the
4 effective date of this Act. A cost on conviction for an offense
5 committed before the effective date of this Act is covered by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 SECTION 21. The changes in law made by this Act apply only
11 to a fee that becomes payable on or after the effective date of this
12 Act. A fee that becomes payable before the effective date of this
13 Act is governed by the law in effect when the fee became payable,
14 and the former law is continued in effect for that purpose.

15 SECTION 22. This Act takes effect September 1, 2009.

House Bill 3637
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HOUSE VERSION

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0169 as follows:

Art. 102.0169. COURT COSTS; COUNTY AND DISTRICT COURT TECHNOLOGY FUND. (a) A defendant convicted of a criminal offense in a county court, statutory county court, or district court shall pay a \$4 county and district court technology fee as a cost of court.

(b) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(c) The clerks of the courts described by Subsection (a) shall collect the costs and pay them to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer, as appropriate, for deposit in a fund to be known as the county and district court technology fund.

(d) A fund designated by this article may be used only to finance:

(1) the cost of continuing education and training for county court, statutory county court, or district court judges and clerks regarding technological enhancements for those courts; and

(2) the purchase and maintenance of technological enhancements for a county court, statutory county court, or district court, including:

SENATE VERSION

No equivalent provision.

CONFERENCE

SECTION 1. Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

(A) computer systems;
(B) computer networks;
(C) computer hardware;
(D) computer software;
(E) imaging systems;
(F) electronic kiosks; and
(G) docket management systems.
(e) The county and district court technology fund shall be administered by or under the direction of the commissioners court of the county.

SECTION 2. Section 117.111, Local Government Code, is amended as follows:
Sec. 117.111. SUBCHAPTER APPLICABLE TO COUNTY WITH POPULATION OF 1.3 [~~2-4~~] MILLION OR MORE. This subchapter applies only to a county with a population of 1.3 [~~2-4~~] million or more.

SECTION 3. The heading to Subchapter E, Chapter 117, Local Government Code, is amended as follows:
SUBCHAPTER E. SPECIAL PROVISIONS APPLYING TO FUNDS PAID INTO COURT REGISTRY IN COUNTY WITH POPULATION OF MORE THAN 1.3 [~~2-4~~] MILLION

SECTION 4. Section 133.152(a), Local Government Code, is amended.

SECTION 5. Section 133.153(a), Local Government

No equivalent provision.

No equivalent provision.

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

House Bill 3637
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HOUSE VERSION

SENATE VERSION

CONFERENCE

Code, is amended.

SECTION 6. Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0020 as follows:

Sec. 25.0020. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS. (a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

No equivalent provision.

SECTION 6. Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

SECTION 7. Subchapter A, Chapter 26, Government Code, is amended by adding Section 26.010 as follows:

Sec. 26.010. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS. (a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by

No equivalent provision.

SECTION 7. Same as House version.

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CONFERENCE

contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

SECTION 8. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.708 as follows:

Sec. 51.708. ADDITIONAL FILING FEE FOR CIVIL CASES IN CERTAIN COURTS. (a) In addition to all other fees authorized or required by other law, the clerk of a county court, statutory county court, or district court shall collect a filing fee of not more than \$10 in each civil case filed in the court to be used for court record preservation for the courts in the county.

(b) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(c) The clerk at least monthly shall send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer. The treasurer or other official shall deposit the fees in a court record preservation account in the county treasury. The money in the account may be used only to digitize court records and preserve the records from natural disasters.

(d) The court record preservation account shall be

No equivalent provision.

SECTION 8. Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

administered by or under the direction of the commissioners court of the county.

SECTION 9. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06117 as follows:

Sec. 101.06117. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

No equivalent provision.

SECTION 9. Same as House version.

SECTION 10. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08115 as follows:

Sec. 101.08115. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

No equivalent provision.

SECTION 10. Same as House version.

SECTION 11. (a) Section 101.0814, Government Code, is amended to conform to the amendments made to Section 101.081, Government Code, by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular Session, 2007, and to conform to the amendments made to Section 101.083, Government Code, by Chapter 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,

SECTION 3. Same as House version.

SECTION 11. Same as House version.

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CONFERENCE

2007, and is further amended.

(b) Section 101.083, Government Code, is repealed.

SECTION 12. Section 101.1013, Government Code, is amended to conform to the amendments made to Section 101.101, Government Code, by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular Session, 2007, and is further amended.

SECTION 4. Same as House version.

SECTION 12. Same as House version.

SECTION 13. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12124 to read as follows:

Sec. 101.12124. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

No equivalent provision.

SECTION 13. Same as House version.

SECTION 14. (a) Section 101.1214, Government Code, is amended to conform to the amendments made to Section 101.121, Government Code, by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular Session, 2007, and to conform to the amendments made to Section 101.123, Government Code, by Chapter 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session, 2007, and is further amended.

SECTION 5. Same as House version.

SECTION 14. Same as House version.

(b) Section 101.123, Government Code, is repealed.

SECTION 15. Section 101.141(b), Government Code,

SECTION 6. Same as House version.

SECTION 15. Same as House version.

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as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 101.141(a), Government Code, by Chapter 1046 (H.B. 2094), Acts of the 80th Legislature, Regular Session, 2007, and is further amended.

SECTION 16. (a) Section 102.041, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, to Section 102.041, Government Code, and is further amended as follows:

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;
- (5) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) . . . \$5;

SENATE VERSION

No equivalent provision.

CONFERENCE

SECTION 16. Same as House version.

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~~(6)~~ [(5)] a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3; and
~~(7)~~ [(6)] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . ~~\$50~~ [\$5].

(b) Section 102.041, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.041, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION 17. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art.

No equivalent provision.

SECTION 17. Same as House version.

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102.005, Code of Criminal Procedure) . . . \$40;
(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;
(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
(6) [~~5~~] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; and
(7) [~~6~~] a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5.
(b) Section 102.061, Government Code, as amended by Chapter 1053, Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921, Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION 18. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:
Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF

No equivalent provision.

SECTION 18. Same as House version.

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CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(6) [~~5~~] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~5~~]; and

(7) [~~6~~] a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION 19. Saving provision.

No equivalent provision.

SECTION 19. Same as House version.

House Bill 3637
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HOUSE VERSION	SENATE VERSION	CONFERENCE
SECTION 20. Saving provision.	No equivalent provision.	SECTION 20. Substantially the same as House version.
SECTION 21. Saving provision.	SECTION 7. Same as House version.	SECTION 21. Same as House version.
SECTION 22. Effective date.	SECTION 8. Same as House version.	SECTION 22. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3637 by Hughes (Relating to filing fees in civil actions and proceedings and the use of those fees, to costs on conviction in certain courts, to money paid into the registry of a court in certain counties, and to the appointment of counsel in certain suits.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3637, Conference Committee Report: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
2011	\$1,556,728	\$81,933
2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend Subchapter A, Chapter 102, Code of Criminal Procedure by adding Article 102.0169 to authorize a \$4 county and district court technology fee as a cost of court for defendants convicted of a criminal offense in a county court, statutory county court, or a district court. Fees collected would be placed in a fund known as the county and district court technology fund. The funds would be for funding continuing education and training regarding technological enhancements for the courts. The funds could also be used for the purchase and maintenance of technological enhancements for county court, statutory county court, or a district court.

The bill would change the population criteria for applicability of Subchapter E, Chapter 117, Local Government Code.

The bill would amend Chapter 133, Local Government Code, to increase the additional filing fee of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice, or small claims court from \$5 to \$10 for statutory and county courts and from \$2 to \$6 for justice courts. A county would be authorized to retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee.

The bill would amend Chapters 25 and 26 of the Government Code to allow a county court or a county court at law in which an appeal of an eviction suit is filed to appoint counsel who is willing to provide pro bono services in the matter to attend to the cause of certain parties. The bill would allow appointed counsel to receive attorney's fees only if provided by contract, statute, common law, court rules, or other regulations. The county would not be responsible for payment of attorney's fees to appointed counsel. The court would be required to provide for a method of service of written notice on the parties to an eviction suit of the right to an appointment of counsel on perfection of appeal on approval of a pauper's affidavit. The proposed changes to Chapters 25 and 26 would apply only to an eviction suit filed on or after the effective date of the bill.

The bill would amend Chapters 51 and 101 of the Government Code to create an additional filing fee of not more than \$10 for each civil case filed in a county court, statutory county court, or district court. Such fees would be collected in the same manner as other court fees, fines or costs, and sent monthly to the county treasurer, or other official assigned the duties of the county treasurer, for deposit into a court record preservation account. This account would be administered by the county commissioners court and used only to digitize court records to preserve them from natural disasters.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

Proposed changes under the provisions of the bill would apply only to a cost of conviction committed on or after the effective date of the bill and only to a fee that becomes payable on or after the effective date of the bill. The effective date of the bill would be September 1, 2009.

Methodology

Only the proposed change to Chapter 133, Local Government Code, would have a fiscal impact on the state.

The Office of Court Administration (OCA) expects that the bill would result in an annual increase of \$1,556,728 to the state's Basic Civil Legal Services Account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized: \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
- (2) x 65% collection rate = \$1,207,809
- (3) x 95% sent to State =
- (4) \$1,147,419.

The anticipated increase from the county-level courts is determined as follows:

- (1) 215,426 county-level court cases filed in FY 2008 x \$5 filing fee increase = \$1,077,130
- (2) x 40% collection rate = \$430,852
- (3) x 95% sent to State =
- (4) \$409,309

Local Government Impact

Under the proposed change to Chapter 102, Code of Criminal Procedure, requiring every county to create a justice court technology fund and requiring that the \$4 fee be imposed on all defendants convicted of a misdemeanor offense in the justice court, the courts would realize a revenue gain. The amount of revenue generated would vary by county, although the amount would not be significant. According to OCA, in fiscal year 2008 there were 527,799 convictions statewide (including orders of deferred adjudication) reported in district and county-level courts. Assuming a collection rate of 40 percent, the amount of new local revenue for all counties would be \$844,478.

The bill also includes conforming language for legislation passed by the Eightieth Legislature, Regular Session, 2007 by amending the Code of Criminal Procedure and the Government Code renaming the graffiti eradication fee as the juvenile delinquency prevention and graffiti eradication fee. The juvenile delinquency prevention and graffiti eradication fee imposed on a convicted defendant would be revised from \$5 to \$50 to reflect changes made by legislation passed by the Eightieth Legislature. These conforming language changes do not have a fiscal impact on local governments.

Under current statute, Subchapter E of Chapter 117, Local Government Code, applies only to Harris County. Under the proposed change in population, based on the 2000 U.S. Census, the subchapter would also apply to Bexar, Dallas, and Tarrant counties. Subchapter E addresses special provisions applying to funds paid into the court registry and applies to the following kinds of money paid into the registry of any court for which a clerk is or may become responsible: (1) funds of minors or incapacitated persons; (2) funds tendered in connection with a bill in interpleader; or (3) any other funds. The commissioners court of the county collecting the funds may contract with one or more banks in the county for the deposit of the funds in a special account to be called the "registry fund."

The fiscal impact from the proposed change to Subchapter E would vary by county. Bexar County estimates a revenue gain of approximately \$26,000 for the first two fiscal years of implementation. However, the county assumes it would also incur a cost to hire an outside auditor for the accounts. The county assumes that cost to be at least \$25,000 per year.

The revenue gain to each county as a result of the proposed change to Chapter 133, Local Government Code, would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

No significant fiscal impact to units of local government is anticipated if a court were to appoint counsel as authorized under provisions of the bill that would amend Chapters 25 and 26, Government Code.

The proposed addition of a \$10 filing fee in each civil case filed, for use for court record preservation, under Chapters 51 and 101 of the Government Code, would provide a revenue gain to counties that would vary by county depending on number of cases filed. It is anticipated that the gain would be fully expended to digitize court records as required by provisions of the bill. Various counties provided estimates of anticipated revenue (only first year of implementation shown):

- Bexar County – \$465,000
- Dallas County – \$750,000
- Harris County – \$970,000
- Tarrant County – \$430,000
- Travis County – \$40,000
- Washington County – \$3,500
- Williamson County – \$23,780

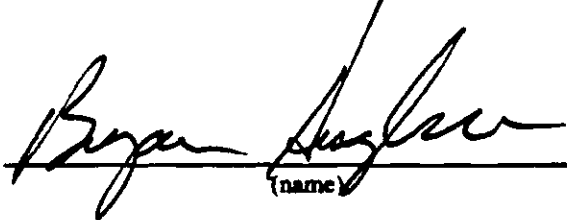
Source Agencies: 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, MN, DB, JJO, SD

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 3637 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

MAY 30, 2009
(date)