

**SUBJECT:** Fee collected by a district clerk for certain certified copies

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 10 ayes — Jackson, Lewis, Bohac, Castro, Hartnett, Madden, Raymond, Scott, Thompson, Woolley

0 nays

1 absent — S. Davis

**SENATE VOTE:** On final passage, April 7 — 30-1 (Nelson)

**WITNESSES:** No public hearing

**BACKGROUND:** Government Code, Title 2 governs the judicial branch of government in Texas. In separate subtitles that apply to judicial personnel and to court fees and costs, respectively, specific fees are established for services district clerks provide to the public. Secs. 51.318(b)(7) and 101.0611(14) require district clerks to collect \$1 for each page of a certified copy of a court record, judgment, or other document filed or recorded with the office. Sec. 101.0611(1) sets a limit of \$5 for filing fees in several state appellate courts. Sec. 101.0611(3) sets out additional filing fees for specific courts.

**DIGEST:** SB 680 would limit the cost for certified copies of documents filed or recorded in the district clerk’s office to no more than \$1 per page. The bill would add the Sixth, Seventh, and Twelfth Courts of Appeals to those authorized to charge filing fees of \$5.

District court clerks could collect filing fees of not more than \$10 to fund the preservation of court records. County commissioners’ courts could adopt fees for district court records archiving of no more than \$5. The bill would authorize the Bexar County Commissioners Court to set fees limited to \$15 to improve Bexar County court facilities.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

SB 680 would reduce costs for taxpayers and make it more convenient to obtain certified court records. By setting \$1 per page as the limit for fees on certified copies, district clerks could make changes to staff, printing, and other associated costs to lower the fee to less than \$1 per page. The bill would not increase the cost for certified copies.

Clerks could set fees that were more appropriate for the cost of producing certified copies. These savings would be passed on to taxpayers by allowing clerks to make more efficient use of the tax money used to fund these offices. District clerks' offices also could redirect consumers to their web sites to obtain copies of court records, and consumers no longer would have to spend additional resources, such as for gas and parking, or take time to travel to physical offices. The bill ultimately would increase convenience for the consumer and further reduce costs for the clerks' offices.

The bill would grant flexibility to district clerks around the state to make decisions to suit the needs of their offices. Depending on the costs associated with creating certified copies, a district clerk could set rates that were appropriate. They also could set rates more appropriate for organizations with established financial need, such as certain non-profits, that would already be supported by taxpayer dollars.

**OPPONENTS  
SAY:**

Although the bill ultimately could reduce costs associated with producing certified copies of court records, it could increase costs to district clerks' offices initially if they had to spend money and time for staff and other resources to create the infrastructure to access documents electronically. The bill would not ensure that district clerks across the state could or would implement changes that would reduce costs and fees associated with certified copies.

**OTHER  
OPPONENTS  
SAY:**

Because the purpose of this bill would be to provide flexibility and convenience for district court clerks in providing certified copies of court documents and for the public in accessing them, other provisions that set fees apart from this purpose would be unnecessary.

NOTES:

The companion bill, HB 627 by Woolley, passed the House on April 26 and the Senate on May 19.

The sponsor intends to bring an amendment to exclude language from the bill addressing certain fees and restricting the bill to setting limits on fees for certified copies of court records.