

BILL ANALYSIS

Senate Research Center
77R10109 KLA-D

H.B. 1884
By: Thompson (Bernsen)
Jurisprudence
5/3/2001
Engrossed

DIGEST AND PURPOSE

While costs associated with running a district clerk's office have risen considerably in the last decade, basic filing fees, which provide some of the funding for the district clerk's office, have not. The legislature has increased and created new filing fees over the past ten years, but these fees have been primarily for dedicated purposes and not for the support of district clerk's offices. During the interim of the 76th Legislature, the Office of Court Administration studied the costs to district clerk's offices associated with multiple plaintiff lawsuits and recommended that the filing fees for multiple-plaintiff lawsuits be increased to help cover the added expenses associated with these cases. H.B. 1884 increases the filing fees for lawsuits, other claims, and actions; increases from \$40 to \$50 the additional filing fee to be used for court-related purposes for the support of the judiciary; and creates a sliding scale fee for lawsuits involving 11 or more plaintiffs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.317, Government Code, to provide that fees due at the time the suit or action is filed are increased from: \$45 to \$55, for a suit including an appeal from an inferior court; \$15 to \$45 for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition; \$8 to \$12 for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed. Deletes text regarding the filing of a petition for preconviction writ of habeas corpus. Provides that the fees for filing a suit, including an appeal from an inferior court are set at a certain price depending on the number of plaintiffs. Requires the district clerk, in addition to the fees collected under this section, to collect at the time a person joins or intervenes in a pending suit as a plaintiff a fee in an amount equal to the difference between certain fees. Makes a conforming change.

SECTION 2. Amends Section 51.701(a), Government Code, to require the district clerk, in addition to each fee collected under Section 51.317, to collect a \$50, rather than \$40, filing fee to be used for court-related purposes for the support of the judiciary.

SECTION 3. Amends Article 102.005(f), Code of Criminal Procedure, to make a conforming change.

SECTION 4. Effective date: September 1, 2001.
Makes application of this Act prospective.