

BILL ANALYSIS

Senate Research Center
80R3740 RJA-D

S.B. 325
By: Williams
Jurisprudence
2/16/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, appellate judicial systems have been set up in eight of 14 appellate courts in Texas. These systems were created to give the commissioners court of each of the counties within each district discretion to set a court cost fee to be collected for the benefit of the respective court.

As proposed, S.B. 325 establishes an appellate judicial system for the Ninth Court of Appeals in Beaumont. It allows the commissioners court of each of the 10 counties within the district to set a court cost fee of not more than five dollars for each civil suit filed in the county courts, county courts at law, probate courts, or district court for the benefit of the Ninth Court of Appeals. This fee will be administered by the chief justice and will be used to assist the court of appeals in the processing of appeals and to defray costs incurred by the county.

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 Subchapter C, Chapter 22, Government Code, by adding Section 22.2101, as follows:

Sec. 22.2101. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county within the Ninth Court of Appeals District to establish an appellate judicial system to assist certain courts with the appeals process, and to defray costs and expenses incurred by the county under Section 22.210.

(b) Requires the commissioners court to set a \$5 court costs (fee) for each civil suit filed in certain courts to fund the appellate judicial system.

(c) Exempts from the aforementioned fee a suit filed by the county or a suit for delinquent taxes.

(d) Requires the aforementioned fee to be taxed, collected, and paid in the same manner as other court costs in a suit. Requires the court clerk to collect the fee set under this section and to pay it to the county officer who performs the treasury functions of the county. Requires that officer to deposit the fee in a separate appellate judicial system fund. Requires the commissioners court to administer the fund to assist the district's appellate court. Prohibits the use of the fund for any other purpose.

(e) Requires the commissioners court to monthly order the collected funds under this section to be forwarded to the appellate court for expenses incurred.

(f) Requires the chief justice of the court of appeals to manage the appellate judicial system.

SECTION 2. Effective date: September 1, 2007.