

BILL ANALYSIS

Senate Research Center

H.B. 2182
By: Clardy et al. (Creighton)
State Affairs
5/13/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many district court clerks also serve as the clerk for the statutory county courts in their respective areas and therefore have to assess different fees for many of the cases over which the district and statutory county courts share jurisdiction. It can be difficult to predict the court in which a case with shared jurisdiction will be heard and, as a result, clerks have to obtain or reimburse fees for each case in which a party was assessed the incorrect fee.

Additionally, many of the fees at the local court level have not changed in decades, even though the costs those fees are intended to cover have increased significantly. H.B. 2182 seeks to align court fees at the statutory county courts with those of the district courts and update fee amounts to more adequately cover costs.

H.B. 2182 amends current law relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk and increases certain fees.

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 Article 17.02, Code of Criminal Procedure, to redefine "bail bond."

SECTION 2. Amends Article 102.004(a), Code of Criminal Procedure, to require a defendant convicted by a jury in a county court, a county court at law, or a district court to pay a jury fee of \$50, rather than a fee of \$20.

SECTION 3. (a) Amends Section 51.305(b), Government Code, as follows:

(b) Authorizes the commissioners court of a county to adopt a district court records archive fee of not more than \$10 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings as part of the county's annual budget, rather than in a district court in the county as part of the county's annual budget.

(b) Amends Section 51.305(b), Government Code, as effective September 1, 2019, as follows:

(b) Authorizes the commissioners court of a county to adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings as part of the county's annual budget, rather than in a district court in the county as part of the county's annual budget.

SECTION 4. Amends Section 51.319, Government Code, as follows:

Sec. 51.319. OTHER FEES. Requires the district clerk to collect the following fees for services performed by the clerk:

- (1) Makes no change to this subdivision;
- (2) and (3) Makes nonsubstantive changes;
- (4) for performing services related to a matter filed in a statutory county court, the same fees allowed the district clerk for those services in the district court.

SECTION 5. Amends Section 51.604(a), Government Code, as follows:

(a) Requires the district clerk to collect a \$50 jury fee, rather than a \$30 jury fee, for each civil case in which a person applies for a jury trial. Requires the clerk of a county court or statutory county court to collect a \$50 jury fee, rather than a \$22 jury fee, for each civil case in which a person applies for a jury trial.

SECTION 6. Amends Section 118.052, Local Government Code, as follows:

Sec. 118.052. FEE SCHEDULE. Requires each clerk of a county court to collect the following fees for services rendered to any person:

- (1) Makes no change to this subdivision
- (2) PROBATE COURT ACTIONS
 - (A)-(C) Makes no change to these paragraphs
 - (D) Claim Against Estate (Sec. 118.058) in the amount of \$10.00, rather than \$2.00
 - (E) and (F) Makes no change to these paragraphs
- (3) Makes no change to this subdivision.

SECTION 7. Makes application of this Act prospective in regards to a fee.

SECTION 8. Effective date: September 1, 2015.