

BILL ANALYSIS

Senate Research Center

S.B. 41
By: Zaffirini
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Office of Court Administration of the Texas Judicial System, there are 223 distinct civil court filing fees. This system is needlessly complex to administer and track. Specifically, it is labor intensive for state and local personnel to ensure that the proper portion of each fee is retained locally, remitted to the state, or deposited in the appropriate dedicated revenue account. What's more, some courts have held that several civil filing fees are unconstitutional, threatening the ability of vital programs to retain funding from filing fees.

S.B. 41 would consolidate civil court filing fees and establish a streamlined system while remaining revenue neutral to the greatest extent possible. The new system would be simpler for local officials to administer, the state to audit, and litigants to navigate and would cure current constitutional issues.

As proposed, S.B. 41 amends current law relating to the consolidation and allocation of state civil court costs and increases certain civil court costs.

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 22.2021(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the First and Fourteenth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 2. Amends Section 22.2031(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Second Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 3. Amends Section 22.2041(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Third Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 4. Amends Section 22.2051(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Fourth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 5. Amends Section 22.2061(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Fifth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 6. Amends Section 22.2071(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Sixth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 7. Amends Section 22.2081(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Seventh Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 8. Amends Section 22.2091(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Eighth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 9. Amends Section 22.2101(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Ninth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 10. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2111, as follows:

Sec. 22.2111. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Tenth Court of Appeals District by order entered in its minutes to establish an appellate judicial system to assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, statutory probate courts, and district courts, and defray costs and expenses incurred in the operation of the court of appeals.

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Tenth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, statutory county court, statutory probate court, or district court in the county.

(c) Provides that the court costs fee does not apply to a suit filed by any governmental entity or to a suit for delinquent taxes.

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

(e) Requires that the funds collected under this section be forwarded monthly to the court of appeals for expenditure by the court of appeals.

(f) Provides that the chief justice of the court of appeals is responsible for management of the funds forwarded to the court of appeals under this section and has sole discretion as to the use of the funds, except that the funds must be used for purposes consistent with the purposes of the appellate judicial system as described by Subsection (a).

SECTION 11. Amends Section 22.2121(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Eleventh Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 12. Amends Section 22.2131(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Twelfth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 13. Amends Section 22.2141(b), Government Code, as follows:

(b) Requires the commissioners court of each county to fund the appellate judicial system of the Thirteenth Court of Appeals District using the court costs fee collected as provided by Sections 133.151(a)(6) and 133.1511(a)(4), Local Government Code, for each civil suit filed in county court, county court at law, probate court, or district court in the county, rather than set a court costs fee of not more than \$5.

SECTION 14. Amends Section 26.007(a), Government Code, as follows:

(a) Requires the state, beginning on the first day of the state fiscal year, to annually compensate each county that collects the additional fees and costs under Section 51.703 (Additional Fees in Certain County Courts) of this code or Section 133.1511(d), Local Government Code, in an amount equal to \$5,000 if the county judge is entitled to an annual salary supplement from the state under Section 26.006 (Salary Supplement from State for Certain County Judges).

SECTION 15. Amends Sections 51.702(c) and (d), Government Code, as follows:

(c) Requires that court costs and fees due under Section 51.702 (Additional Fees in Statutory County Courts) or Section 133.1511(c), Local Government Code, be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) Requires the clerk to deposit the fees and costs collected under this section or Section 133.1511(c), Local Government Code, to be sent to the Comptroller of Public Accounts of the State of Texas (comptroller) as provided by Subchapter B (Reporting, Collection, and Remittance of Fees), Chapter 133 (Criminal and Civil Fees Payable to the Comptroller), Local Government Code.

SECTION 16. Amends Sections 51.703(c), (d), and (f), Government Code, as follows:

(c) Requires that court costs and fees due under this section or Section 133.1511(d), Local Government Code, be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) Requires the clerk to deposit the fees and costs collected under this section or Section 133.1511(c), Local Government Code, to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code.

(f) Prohibits a clerk from collecting a fee under Section 133.1511(d), Local Government Code, and under Section 133.1511(c), Local Government Code, rather than Section 51.702 (a) (relating to a \$40 fee collected by the clerk of a statutory county court for each civil case).

SECTION 17. Amends Sections 51.704 (b), (c), and (i), Government Code, as follows:

(b) Requires that court fees due under Section 133.1511(e), Local Government Code, rather than under Section 51.704 (Additional Fees in Statutory Probate Courts), be collected in the same manner as other fees, fines, or costs are collected in the case.

(c) Requires the clerk to deposit the fees collected under Section 133.1511(e), Local Government Code, rather than under this section, to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code.

(i) Prohibits a clerk from collecting a fee under Section 133.1511(e), Local Government Code, rather than under this section, and under Section 51.702 of this code or Section 133.1511(c), Local Government Code. Makes conforming changes.

SECTION 18. Amends Sections 51.851(b), (c), (e), (f), (g), (i), (j), and (k), Government Code, as follows:

(b) Requires the clerk of the Supreme Court of Texas (supreme court) or a court of appeals, in addition to other fees authorized or required by law, to collect a \$30 fee on the filing of any civil appeal to be used as provided by Section 51.852 (Statewide Electronic Filing System Fund). Requires that a fee authorized by Section 133.151(a)(4) or 133.1511(a)(2), Local Government Code, by a district court, a county court, a statutory county court, or a statutory probate court on the filing of any civil action or proceeding requiring a filing fee and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee be used as provided by Section 51.852. Deletes existing text requiring a district court, a county court, a statutory county court, or a statutory probate court to collect a \$30 fee on the filing 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. Makes a nonsubstantive change.

(c) Requires that a fee authorized by Section 133.1512(2), Local Government Code, on the filing 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 be used as provided by Section 51.852. Deletes existing text requiring the clerk of a justice court to collect a \$10 fee.

(e) Authorizes a court to waive payment of a court cost or fee due under Section 51.851 (Electronic Filing Fee) or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code, for an individual the court determines is indigent.

(f) Requires that court costs and fees due under this section or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code, be collected in the same manner as other fees, fines, or costs in the case.

(g) Requires the clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court to deposit the court costs and fees collected under this section or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code, in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(i) Requires the comptroller to deposit the court costs and fees received under this section or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code, to the credit of the statewide electronic filing system fund established under Section 51.852.

(j) Authorizes the comptroller to audit the records of a county related to costs and fees collected under this section or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code.

(k) Provides that money spent from costs and fees collected under this section or Section 133.151(a)(4), 133.1511(a)(2), or 133.1512(2), Local Government Code, is subject to audit by the state auditor.

SECTION 19. Amends Section 51.971, Government Code, as follows:

Sec. 51.971. JUDICIAL AND COURT PERSONNEL TRAINING FEE. (a) Provides that a filing fee required by Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, is to be used as provided under Section 56.003 (Use of Funds). Deletes existing text requiring the clerk of a district court, county court, statutory county court, statutory probate court, or justice court to collect a \$5 fee on the filing 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.

(b) Authorizes a court to waive payment of a fee due under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section, for an individual the court determines is indigent.

(c) Requires that fees due under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section, be collected in the same manner as other fees, fines, or costs in the case.

(d) Requires the clerk of a district court, county court, statutory county court, statutory probate court, or justice court to deposit the court costs and fees collected under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section, in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided under Subchapter B, Chapter 133, Local Government Code.

(e) Requires the comptroller to deposit the fees received under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section, to the credit of the judicial and court personnel training fund established under Section 56.001 (Judicial and Court Personnel Training Fund).

(f) Authorizes the comptroller to audit the records of a county related to costs and fees collected under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section.

(g) Provides that money spent from costs and fees collected under Section 133.151(a)(5), 133.1151(a)(3), or 133.1152(3), Local Government Code, rather than this section, is subject to audit by the state auditor.

SECTION 20. Amends Section 101.0611, Government Code, as effective September 1, 2019, as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. Deletes existing text requiring the clerk of a district court to collect appellate judicial system filing fees for each district and to collect a certain statewide electronic filing system fund fee. Makes nonsubstantive changes.

SECTION 21. Amends Section 101.0613, Government Code, as follows:

Sec. 101.0613. DISTRICT COURT FEES AND COSTS: HUMAN RESOURCES CODE. Deletes existing text requiring the clerk of a district court to collect certain fees and costs for filing a suit in Comal County, for a finding of contempt of court for failure

to pay child or spousal support in Montague County, for filing suits in Montague County, and for a suit requesting adoption in Orange and Wichita Counties. Makes nonsubstantive changes.

SECTION 22. Amends Section 101.0615, Government Code, as follows:

Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. Requires the clerk of a district court to collect fees and costs under the Local Government Code as follows:

(1) additional filing fees:

(A) for each civil action or proceeding requiring a filing fee and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee (Section 133.151(a)(1), Local Government Code)...\$50.; and

(B) on the filing 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 (Section 133.151(a)(2), rather than Section 133.152, Local Government Code)...\$10.

(2) - (4) Makes no changes to these subdivisions;

(5) makes a nonsubstantive change to this subdivision;

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Section 133.151(a)(3), rather than Section 133.154, Local Government Code) . . . \$42;

(7) statewide electronic filing system fund fee (Section 133.151(a)(4), Local Government Code) . . . \$30;

(8) additional filing fee to fund judicial and court personnel training (Section 133.151(a)(5), Local Government Code) . . . \$5; and

(9) appellate judicial system filing fee for a court of appeals district (Section 133.151(a)(6), Local Government Code) . . . not more than \$5.

Deletes existing text relating to a \$45 fee for filing family law cases as defined by 25.0002, Government Code (Section 133.151, Local Government Code). Deletes existing text relating to a \$5 filing fee for family law cases and proceeding as defined by Section 25.0002, Government Code (Section 133.152, Local Government Code). Makes nonsubstantive changes.

SECTION 23. Amends Section 101.0811, Government Code, as follows:

Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. Deletes existing text requiring the clerk of a statutory county court to collect appellate judicial system filing fees for each district, a certain additional fee for each civil case filed to be used for court related purposes for the support of the judiciary, and a certain statewide electronic filing system fund fee. Makes nonsubstantive changes.

SECTION 24. Amends Section 101.0814, Government Code, as follows:

Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. Requires the clerk of a statutory county court to collect certain fees and costs including the statewide electronic filing system fund fee (Section 133.1511(a)(2), Local Government Code) . . . \$30; the additional filing fee to fund judicial and court personnel training (Sec. 133.1511(a)(3), Local Government Code) . . . \$5; the appellate judicial system filing fee for a court of appeals district (Sec. 133.1511(a)(4), Local Government Code) . . . not more than \$5; and an additional filing fee for each civil case filed to be used for court-related purposes for the support of the

judiciary (Sec. 133.1511(c), Local Government Code). . . \$40. Makes conforming and nonsubstantive changes.

SECTION 25. Amends Section 101.1011, Government Code, as follows:

Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS: GOVERNMENT CODE. Deletes existing text requiring the clerk of a statutory probate court to collect appellate judicial system filing fees for each district and a certain statewide electronic filing system fund fee.

SECTION 26. Amends Section 101.1013, Government Code, as follows:

Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. Requires the clerk of a statutory probate court to collect certain fees and costs including the statewide electronic filing system fund fee (Sec. 133.1511(a)(2), Local Government Code) . . . \$30; the additional filing fee to fund judicial and court personnel training (Sec. 133.1511(a)(3), Local Government Code) . . . \$5; and the appellate judicial system filing fee for a court of appeals district (Sec. 133.1511(a)(4), Local Government Code) . . . not more than \$5. Makes conforming and nonsubstantive changes.

SECTION 27. Amends Section 101.1212, Government Code, as follows:

Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. Deletes existing text requiring the clerk of a county court to collect appellate judicial system filing fees for each district, a filing fee in each civil case in each civil case filed to be used for court related purposes for the support of the judiciary, and a certain statewide electronic filing system fund fee.

SECTION 28. Amends Section 101.1214, Government Code, as follows:

Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. Requires the clerk of a county court to collect certain fees and costs including an additional filing fee for filing 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 (Sec. 133.1511(a)(1), rather than Section 133.153, Local Government Code) . . . \$10; on the filing of a civil suit an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.1511(b), rather than 133.154, Local Government Code) . . . \$42; a statewide electronic filing system fund fee (Sec. 133.1511(a)(2), Local Government Code) . . . \$30; an additional filing fee to fund judicial and court personnel training (Sec. 133.1511(a)(3), Local Government Code) . . . \$5; an appellate judicial system filing fee for a court of appeals district (Sec. 133.1511(a)(4), Local Government Code) . . . not more than \$5; and a filing fee in each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 133.1511(d), Government Code) . . . \$40. Makes conforming and nonsubstantive changes.

SECTION 29. Amends Section 101.141(b), Government Code, as follows:

(b) Requires a clerk of a justice court to collect fees and costs under other laws for an additional filing fee to fund judicial and court personnel training (Section 133.1512(3), Local Government Code...\$5). Deletes existing text requiring a clerk of a justice court to collect fees and costs under other laws for filing a suit in Comal County (Section 152.0522, Human Resources Code)...\$1.50. Makes conforming and nonsubstantive changes.

SECTION 30. Amends Section 103.0212, Government Code, as follows:

Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: FAMILY CODE. Deletes existing text requiring an accused or defendant, or a party to a civil suit, as applicable, to pay a fee under the Family Code if ordered by the court or otherwise required in family matters for filing suit requesting adoption of a child (Section 108.006, Family Code)...\$15. Makes conforming and nonsubstantive changes.

SECTION 31. Amends Section 103.026, Government Code, as follows:

Sec. 103.026. MISCELLANEOUS FEES AND COSTS: FAMILY CODE. Deletes existing text relating to a reasonable fee for costs of determining and sending information concerning the identity of the court with continuing, exclusive jurisdiction if charged by the bureau of vital statistics. Makes conforming changes.

SECTION 32. Amends Section 40.062, Human Resources Code, as follows:

Sec. 40.062. EXEMPTION FROM CERTAIN COSTS AND FEES. Provides that the Department of Family and Protective Services (DFPS) is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including a judicial fund fee imposed by Section 51.702, Government Code, or Section 133.1511(c), Local Government Code.

SECTION 33. Amends Section 161.107(b), Human Resources Code, as follows:

(b) Provides that the Health and Human Services Commission (HHSC) is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including a judicial fund fee imposed by Section 51.702, Government Code, or Section 133.1511(c), Local Government Code.

SECTION 34. Reenacts Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, and amends it, as follows:

Section 133.004. CIVIL FEES. Provides that this chapter applies to the following civil fees:

- (1) makes no changes to this subdivision;
- (2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.151(a)(2), rather than under Section 133.152;
- (3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.1511(a)(1) or 133.1512(1), rather than under Section 133.153;
- (4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 133.1511(c) of this code or Section 51.702, Government Code;
- (5) the filing fees for the judicial fund imposed in certain county courts under Section 133.1511(d) of this code or Section 51.703, Government Code;
- (6) the filing fees for the judicial fund imposed in statutory probate courts, rather than certain statutory probate courts, under Section 133.1511(e), rather than under 51.704 (Additional Fees in Statutory Probate Courts), Government Code;
- (7) – (9) makes no changes to these subdivisions;
- (10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.151(a)(3) or 133.1511(b), rather than 133.154;
- (11) and (12) makes nonsubstantive changes to these subdivisions.

SECTION 35. Amends Section 133.058(d), Local Government Code, as follows:

(d) Prohibits a county from retaining a service fee on the collection of a fee:

- (1) and (2) makes no changes to these subdivisions;
- (3) under Section 133.1511(a)(2) or 133.1512(2) of this code or Section 51.851 (Electronic Filing Fee), Government Code; or

(4) under Section 133.1511(a)(3) or 133.1512(3), rather than under Section 51.971, Government Code;

SECTION 36. Amends Section 133.151, Local Government Code, as follows:

Sec. 133.151. CONSOLIDATED CIVIL FEE ON FILING A CIVIL SUIT IN DISTRICT COURT. (a) Requires the clerk of a district court to collect the following fees, in addition to each fee collected under Section 51.317(b)(1) (relating to filing a suit, including an appeal, from an inferior court), on the filing of any civil action or proceeding requiring a filing fee and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

- (1) \$50 to be used as provided by Subsection (c);
- (2) \$10 to be used as provided by Section 133.152 (Additional Filing Fees for Certain Actions and Proceedings in District Court for Basic Civil Legal Services for Indigents);
- (3) \$42 to be used as provided by Section 133.154;
- (4) \$30 to be used as provided by Section 51.851, Government Code;
- (5) \$5 to be used as provided by Section 51.971, Government Code; and
- (6) \$5 court costs fee to be deposited in the appellate justice system fund appropriate for the appellate district in which the court is located to be used as provided by Subchapter C (Courts of Appeals), Chapter 22 (Appellate Courts), Government Code.

Deletes existing text relating to a \$45 fee for filing a civil suit in family law cases and proceedings as defined by Section 25.002, and for any case other than a case described by Subdivision (1). Makes nonsubstantive changes.

(b) and (c) Makes conforming changes to these subsections.

SECTION 37. Amends Subchapter D, Chapter 133, Local Government Code, by adding Sections 133.1511 and 133.1512, as follows:

Sec. 133.1511. CONSOLIDATED CIVIL FEE ON FILING CIVIL SUIT IN STATUTORY COUNTY COURT, STATUTORY PROBATE COURT, OR COUNTY COURT. (a) Requires the clerk of a statutory county court, statutory probate court, or a county court to collect the following fees on the filing of any civil action or proceeding and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

- (1) \$10 to be used as provided by Section 133.153;
- (2) \$30 to be used as provided by Section 51.851, Government Code;
- (3) \$5 to be used as provided by Section 51.971, Government Code; and
- (4) \$5 court costs fee to be deposited in the appellate justice system fund appropriate for the appellate district in which the court is located to be used as provided by Subchapter C, Chapter 22.

(b) Requires the clerk of a statutory county court or a county court to collect a fee of \$42 on the filing of any suit to be used as provided by Section 133.154.

(c) Requires the clerk of a statutory county court to collect a \$40 filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary as provided by Section 51.702, Government Code.

(d) Requires the clerk of a county court with a judge who is entitled to an annual salary supplement from the state under Section 26.006, Government Code, in addition to all other fees authorized or required by other law, to collect a \$40

filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary as provided by Section 51.703, Government Code.

(e) Requires the clerk of a statutory probate court, in addition to all other fees authorized or required by other law, to collect a \$40 filing fee in each probate, guardianship, mental health, or civil case filed in the court to be used for court-related purposes for the support of the judiciary.

Sec. 133.1512. CONSOLIDATED CIVIL FEE ON FILING CIVIL SUIT IN JUSTICE COURT. Requires the clerk of a justice court to collect the following fees on the filing of any civil action or proceeding requiring a filing fee and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

- (1) \$6 to be used as provided by Section 133.153;
- (2) \$10 to be used as provided by Section 51.851(c), Government Code; and
- (3) \$5 to be used as provided by Section 51.971, Government Code.

SECTION 38. Amends Sections 133.152(b) and (c), Local Government Code, as follows:

(b) Requires that the fees under Section 133.151(a)(2) be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) Requires the comptroller to deposit the fees received under Section 133.151(a)(2) to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent.

SECTION 39. Amends Sections 133.153(b) and (c), Local Government Code, as follows:

(b) Requires that the fees under Section 133.151(a)(3) be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) Requires the comptroller to deposit the fees received under Section 133.151(a)(3) to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent.

SECTION 40. Amends Section 133.154(b), Local Government Code, as follows:

(b) Requires the treasurer to remit the fees collected under Section 133.151(a)(3) or 133.1511(b), rather than this section, to the comptroller in the manner provided by Subchapter B.

SECTION 41. Repealer: Section 108.006 (Fees), Family Code.

Repealer: Section 51.702(a) (relating to the collection of filing fees in civil cases), Government Code.

Repealer: Section 51.703(a) (relating to the collection of filing fees in civil cases where the judge is entitled to an annual salary supplement), Government Code.

Repealer: Section 51.704(a) (relating to the collection of filing fees in each probate, guardianship, mental health, or civil case), Government Code.

Repealer: Section 51.851(b) (relating to filing fees of certain civil actions), Government Code.

Repealer: Section 101.06111 (Additional District Court Fees: Government Code), Government Code.

Repealer: Section 101.08111 (Additional Statutory County Court Fees: Government Code), Government Code.

Repealer: Section 101.0813 (Statutory County Court Fees and Costs: Human Resources Code), Government Code.

Repealer: Section 101.10111 (Additional Statutory Probate Court Fees: Government Code), Government Code.

Repealer: Section 101.12121 (Additional County Court Fees: Government Code), Government Code.

Repealer: Section 101.1411 (Additional Justice Court Fees: Government Code), Government Code.

Repealer: Section 102.042 (Additional Court Costs on Conviction in District Court: Human Resources Code), Government Code.

Repealer: 102.062 (Additional Court Costs on Conviction in Statutory County Court: Human Resources Code), Government Code.

Repealer: 102.103 (Additional Court Costs on Conviction in Justice Court: Human Resources Code), Government Code.

Repealer: Section 152.0522 (Comal County Juvenile Placement Special Fund), Human Resources Code.

Repealer: Section 152.1752(d) (relating to filing an adoption case in a district court of Montague County), Human Resources Code.

Repealer: Sections 152.1874 (Orange County Adoption Investigation Fund), Human Resources Code.

Repealer: Section 152.2496 (Wichita County Adoption Investigation Fund), Human Resources Code.

Repealer: Section 133.152(a) (relating to the collection of additional filing fees for certain civil actions in a district court), Local Government Code.

Repealer: Section 133.153(a) (relating to the collection of additional filing fees for certain civil actions in a court other than a district court, the court of appeals, or the supreme court), Local Government Code.

Repealer: Section 133.154(a) (relating to the collection of an additional filing fee in district court, statutory county court, or county court for support of judiciary), Local Government Code.

SECTION 42. Effective date: September 1, 2021.