

BILL ANALYSIS

Senate Research Center
78R12428 KLA-D

C.S.S.B. 1180
By: West
Jurisprudence
4/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, court costs, fees, and penalties are scattered throughout Texas statutes. As a result, difficulty may occur for reference purposes, especially when several such costs are to be levied simultaneously. C.S.S.B. 1180 creates one index of court costs, fees, and penalties to be located in the Government Code.

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 Title 2, Government Code, by adding Subtitle I, as follows:

SUBTITLE I. COURT FEES AND COSTS

CHAPTER 101. FILING FEES AND OTHER FEES AND COSTS IN CIVIL PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.001. **APPLICABILITY OF OTHER LAW.** (a) Provides that to the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

(b) Provides that the organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure does not affect or impose certain duties.

[Reserves Sections 101.002-101.020 for expansion.]

SUBCHAPTER B. SUPREME COURT

Sec. 101.021. **SUPREME COURT FEES AND COSTS.** Requires the clerk of the supreme court to collect certain fees and costs.

[Reserves Sections 101.022-101.040 for expansion.]

SUBCHAPTER C. COURTS OF APPEALS

Sec. 101.041. **COURT OF APPEALS FEES AND COSTS.** Requires the clerk of a court of appeals to collect certain fees and costs.

[Reserves Sections 101.042-101.060 for expansion.]

SUBCHAPTER D. DISTRICT COURTS

Sec. 101.061. **DISTRICT COURT FEES AND COSTS.** Requires the clerk of a district court to collect fees and costs.

[Reserves Sections 101.062-101.080 for expansion.]

SUBCHAPTER E. STATUTORY COUNTY COURTS

Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. Requires the clerk of a statutory county court to collect certain fees and costs.

Sec. 101.082. STATUTORY COUNTY COURT FEES AND COSTS IN OTHER PROBATE MATTERS. Requires a statutory county court judge to collect certain fees in probate matters.

[Reserves Sections 101.083-101.100 for expansion.]

SUBCHAPTER F. STATUTORY PROBATE COURTS

Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. Requires the clerk of a statutory probate court to collect certain fees and costs.

Sec. 101.102. STATUTORY PROBATE COURT FEES AND COSTS IN OTHER PROBATE MATTERS. Requires a statutory probate court judge to collect certain fees in probate matters.

[Reserves Sections 101.103-101.120 for expansion.]

SUBCHAPTER G. COUNTY COURTS

Sec. 101.121. COUNTY COURT FEES AND COSTS. Requires the clerk of a constitutional county court to collect certain fees and costs.

Sec. 101.122. COUNTY COURT FEES AND COSTS IN OTHER PROBATE MATTERS. Requires a county judge to collect certain fees in probate matters.

[Reserves Sections 101.123-101.140 for expansion.]

SUBCHAPTER H. JUSTICE COURTS AND SMALL CLAIMS COURTS

Sec. 101.141. JUSTICE COURT AND SMALL CLAIMS COURT FEES AND COSTS.

(a) Requires a clerk of a justice court to collect certain fees and costs.

(b) Requires a justice of the peace to collect certain fees.

[Reserves Sections 101.142-101.160 for expansion.]

SUBCHAPTER I. MUNICIPAL COURTS

Sec. 101.161. MUNICIPAL COURT FEES AND COSTS. Authorizes the clerk of a municipal court to collect a fee for a hearing on probable cause for removal of a vehicle and placement in a storage facility (Sec. 685.008, Transportation Code).

[Reserves Sections 101.162-101.180 for expansion.]

SUBCHAPTER J. MUNICIPAL COURTS OF RECORD

Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS. Requires the clerk of a municipal court of record to collect certain fees and costs.

CHAPTER 102. COURT COSTS IN CRIMINAL PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 102.001. APPLICABILITY OF OTHER LAW. Provides that to the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

(b) Provides that the organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure does not affect or impose certain duties.

[Reserves Sections 102.002-102.020 for expansion.]

SUBCHAPTER B. COURT COSTS ON CONVICTION

Sec. 102.021. COURT COSTS ON CONVICTION. Requires a person convicted of an offense to pay certain costs.

[Reserves Sections 102.022-102.040 for expansion.]

SUBCHAPTER C. CRIMINAL COURT COSTS IN DISTRICT COURT

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT. Requires the clerk of a district court to collect certain fees and costs on conviction of a defendant.

[Reserves Sections 102.042-102.060 for expansion.]

SUBCHAPTER D. CRIMINAL COURT COSTS IN STATUTORY COUNTY COURT

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT. Requires the clerk of a statutory county court to collect certain fees and costs on conviction of a defendant.

[Reserves Sections 102.062-102.080 for expansion.]

SUBCHAPTER E. CRIMINAL COURT COSTS IN COUNTY COURT

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT. Requires the clerk of a county court to collect certain fees and costs on conviction of a defendant.

[Reserves Sections 102.082-102.100 for expansion.]

SUBCHAPTER F. CRIMINAL COURT COSTS IN JUSTICE COURT

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT. Requires a clerk of a justice court to collect certain fees and costs on conviction of a defendant.

[Reserves Sections 102.102-102.120 for expansion.]

SUBCHAPTER G. CRIMINAL COURT COSTS IN MUNICIPAL COURT

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT. Requires the clerk of a municipal court to collect certain fees and cost on conviction of a defendant.

[Reserves Sections 102.122-102.140 for expansion.]

SUBCHAPTER H. CRIMINAL COURT COSTS IN MUNICIPAL COURT OF RECORD

Sec. 102.141. ADDITIONAL COURT COSTS IN MUNICIPAL COURT OF RECORD. Requires the clerk of a municipal court of record to collect certain fees and costs.

[Reserves Sections 102.142-102.160 for expansion.]

SUBCHAPTER I. CRIMINAL COURT COSTS IN JUSTICE COURT

Sec. 102.161. ADDITIONAL COURT COSTS IN JUSTICE COURT. Requires the clerk of a justice court to collect certain fees and costs.

CHAPTER 103. ADDITIONAL COURT FEES AND COSTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 103.001. APPLICABILITY OF OTHER LAW. (a) Provides that to the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

(b) Provides that the organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure does not affect or impose certain duties.

[Reserves Sections 103.002-103.020 for expansion.]

SUBCHAPTER B. MISCELLANEOUS FEES AND COSTS

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL CASES. Requires an accused or defendant, as applicable, to pay certain fees and costs.

Sec. 103.022. MISCELLANEOUS FEES AND COSTS. Requires certain fees and costs to be paid or collected.

CHAPTER 104. EDITORIAL POWERS

Sec. 104.001. DEFINITIONS. Defines “council” and “executive director.”

Sec. 104.002. EDITORIAL POWERS FOR SUBTITLE. (a) Requires the executive director to perform the duties of revisor of this subtitle or designate an employee to perform those duties. Provides that the powers provided by this section are authorized as part of the statutory revision program for certain purposes.

(b) Prohibits the revisor, in carrying out these powers, from altering the sense, meaning, or effect of a statute. Prohibits the revisor, if a the revisor is in doubt whether a specific change is authorized by this section, from making the change but requires him or her to incorporate the proposed change into legislation.

(c) Authorizes the revisor, in accordance with this section, to perform certain acts.

(d) Requires the revisor to publish proposed actions under this section in a report, the form of which is designed to clearly identify each proposed action, including words to be added or deleted and the purpose of each proposed action. Requires the revisor to make the report available on the council’s Internet site.

(e) Requires the revisor to file notice of the report described by Subsection (d) with the secretary of state for publication in the Texas Register. Requires the notice to contain certain information.

(f) Authorizes the effective date of actions proposed in the report to not be earlier

than the 61st day after the date notice is published in the Texas Register.

(g) Requires the revisor to give all interested persons a reasonable opportunity to comment on the actions proposed in the report and to fully consider all comments.

(h) Requires the final actions of the revisor under this section to be effected by order issued by the revisor, filed with the secretary of state and published on the council's Internet site. Provides that the order takes effect on the date stated in the order. Requires the secretary of state to publish the order in the Texas Register.

(i) Requires the revisor to make actions under this section available to each publisher of Texas statutes and requires the text of the statutes published by the publisher to reflect the actions of the revisor.

(j) Provides that the saving provisions of Section 311.031 apply to actions by the revisor under this section.

SECTION 2. Effective date: upon passage or September 1, 2003.