

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2717
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Jurisprudence
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some district courts and statutory county courts have concurrent jurisdiction. Under current law, district courts are authorized to assess a records archive fee from a party filing a lawsuit; however, statutory county courts are not currently authorized to assess such a fee. As a result, parties are disproportionately filing their suits in statutory county courts to avoid payment of the fee. C.S.H.B. 2717 gives statutory county courts the same authority to assess a records archive fee that district courts currently have.

Counties are also currently authorized to assess a \$1 fee to be used for expenses in connection with the preservation of vital statistics records maintained by the county. C.S.H.B. 2717 allows proceeds from the fee to be used for training related to maintenance of vital statistics records and for security measures in connection with maintaining such records. The bill further authorizes the county to process checks issued for payment of the fee electronically.

Under current law, county clerks are required to complete 20 hours of continuing education each year, including at least one hour of course education related to the handling of court registry funds. C.S.H.B. 2717 clarifies that the one hour requirement for courses relating to handling of court registry fees must be completed within the first 12 months of taking office and during each term of office thereafter. C.S.H.B. 2717 also aligns the exemption from petit jury service to care for children with the same exemption for grand jury service.

C.S.H.B. 2717 amends current law relating to the duties and responsibilities of certain county officials and the functions of county government.

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 51.605(c), Government Code, as follows:

(c) Requires a clerk to each year, rather than annually, complete 20 hours of continuing education courses. Requires a clerk to, during the first year of each term of office, complete at least one hour of continuing education courses regarding registry funds handled under Chapter 117 (Depositories for Certain Trust Funds and Court Registry Funds), Local Government Code, in the performance of the duties of office, and at least one hour of continuing education courses regarding fraudulent court documents and fraudulent document filings. Deletes existing text relating to requiring that the 20 hours of required continuing education courses include at least one hour of continuing education regarding fraudulent court documents and fraudulent document filings.

SECTION 2. Amends Section 62.106(a), Government Code, to authorize a person qualified to serve as a petit juror to establish an exemption from jury service if the person meets certain requirements, including that the person has legal custody of a child younger than 12 years of age, rather than younger than 15 years of age, and the person's service on the jury requires leaving the child without adequate supervision.

SECTION 3. Amends Section 191.0045, Health and Safety Code, by amending Subsection (h) and adding Subsection (i), as follows:

(h) Authorizes a local registrar or county clerk, in addition to other fees collected under this section, to collect a fee not to exceed \$1 for preserving vital statistics records maintained by the registrar or county clerk, including birth, death, fetal death, marriage, divorce, and annulment records; training registrar or county clerk employees regarding vital statistics records; and ensuring the safety and security of vital statistics records.

(i) Creates this subsection from existing text. Requires that a fee under this section be collected by the registrar or county clerk on the issuance of a vital statistics record, including a record issued through a Remote Birth Access site.

SECTION 4. Amends Section 132.002(a), Local Government Code, as follows:

(a) Authorizes the commissioners court of a county to authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by credit card or electronic means of a fee, fine, court costs, or other charge. Authorizes the commissioners court to also authorize a county or precinct officer to collect and retain a fee for processing the payment by credit card or electronic means.

SECTION 5. Repealer: Section 191.030 (Records Filed With County), Health and Safety Code.

SECTION 6. Effective date: upon passage or September 1, 2011.