



# 80th Legislative Session Changes to Court Costs for Justice, County and District Courts



## Local Government Assistance

- Court *costs* and *fees* are designated by statute to fund various programs at both the state and local level.
- *Fines* are a monetary punishment assessed by a judge or jury.



# Who Assesses?

## Cities

- Municipal Courts

## Counties

- Small Claims Courts
- Justice of the Peace Courts
- Constitutional County Courts
- Statutory County Courts
- Statutory Probate Courts
- District Courts



## Local Government Assistance

# Components of Court Costs, Fees and Fines

- Mandatory state fees
- Mandatory local fees
- Optional local fees
- Fines (most retained locally)



# Authority

Mandatory State and Local Fees are required by statute.

Local Optional Fees are permitted by statute and may be collected by judges, county clerks or other local officials. Some fees require authorization by local ordinance or commissioners court.

Fines ranges are permitted by statute with the exact amount set by the judge.



# Service Fee for State Funds

- Some funds allow a 10% collection fee to be retained locally.
- Some allow just 5%.
- Some allow a specific amount.
- **Some don't allow any service fee.**
- Most are dependant upon timely remittance.
- Late remittance results in denial of service fee.



# Government Code 51.607

The implementation date of a *covered* fee is January 1 of the year following the legislation unless the bill states the following:

- the fee is exempt from Government Code 51.607; or
- the effective date of the bill is immediate if a two third vote is received in both houses of the legislature; or
- the implementation date of a fee is later than January 1 of the year following the legislation.



# Court Costs Fees and Fines with an Imposition Date of September 1, 2007, or Earlier



# State Costs, Fees and Fines



Local Government Assistance

# Intoxication/Drug Court Program

## House Bill 530

- Created a new \$50 court cost on conviction of an offense punishable as a Class B misdemeanor or higher for certain intoxication and drug convictions;
- Requires counties to remit the collected funds to the Comptroller quarterly;
- Counties may retain 10 percent of the total funds collected quarterly as a service fee;



## Cont. HB 530

- If the county has established a drug court program, the county may retain an additional 50 percent of the funds collected to be used exclusively for drug court programs operated within its jurisdiction;
- The Comptroller is required to deposit remitted funds to the Drug Court Account in the General Revenue Fund to help fund drug court programs.
- Counties with populations of more than 200,000, formerly set at more than 550,000, must establish a drug court program provided they receive federal or state funding for that purpose.



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Cont. HB 530

- Three or more counties may form regional drug court programs.
- A municipality may form drug court programs and three or more municipalities may form a regional drug court program.
- Municipal courts cannot collect the fee but the municipal drug court programs may be funded by the \$50 fee.
- Effective date June 15, 2007.



# Local Costs, Fees and Fines



# Family Protection Fee

## House Bill 764

- Reduced the Family Protection Fee from \$30 to \$15.
- Eliminated the requirement that county or district clerks remit one-half of the fee to the Comptroller for deposit into the Child Abuse and Neglect Prevention Trust Fund.
- This bill was effective June 15, 2007.

Attorney General Opinion GA-0387 found the state portion of the fee to be unconstitutional.



# Supplemental Court-initiated Guardianship Fee in Statutory Probate Courts

House Bill 1295

- created a supplemental court-initiated guardianship fee for the support of the judiciary in cases involving guardianships under Section 683, Texas Probate Code;
- requires court clerks to collect the \$20 supplemental court-initiated guardianship fee.



## Local Government Assistance

Cont. HB 1295

- The fee must be deposited into the county treasury to provide supplemental funding for compensation of court-appointed guardians ad litem and court-appointed attorneys ad litem and to fund local guardianship programs for indigent-incapacitated persons.
- The fee was effective Sept. 1, 2007 for statutory probate courts.



# Capias pro fine warrants

## House Bill 3060

- Created and defined capias pro fine - an arrest warrant for unpaid costs and fines;
- All courts may issue the capias pro fine;
- Sets a fee of \$50 for capias pro fine warrants;
- Effective Sept. 1, 2007.



# Court Costs, Fees and Fines with an Imposition Date of January 1, 2008



# State Costs, Fees and Fines



# Indigent Defense Fund

## House Bill 1267

- Created a new \$2 court cost for indigent defense;
- Fee applies to any offense excluding pedestrian or parking;
- Applies in all municipal, justice, county and district courts;
- Fee is remitted quarterly to the Comptroller and deposited in the Fair Defense Account to fund indigent defense representation;
- Effective Jan. 1, 2008.



**Local Government Assistance**

# Judicial Support Fee and Judicial Fund

## Senate Bill 600

- Increases the criminal cost from \$4 to \$6;
- Increases the civil filing fee from \$37 to \$42;
- Effective date of Jan. 1, 2008.



# Local Costs, Fees and Fines



Local Government Assistance

# Continuous Sexual Abuse of a Child Fee

## House Bill 8 - **the Jessica Lunsford Act**

- Adds the offense of continuous sexual abuse of a child or children to Section 21, Penal Code;
- **Created a new \$100 fee for this offense;**
- **Deposited in the Child Abuse Prevention Fund that is administered by the county;**
- Effective Jan. 1, 2008.



Local Government Assistance

# Supplemental Court-initiated Guardianship Fee

House Bill 1295

- Created a supplemental court-initiated guardianship fee for the support of the judiciary in cases involving guardianships under Section 683, Texas Probate Code;
- Requires court clerks to collect the \$20 supplemental court-initiated guardianship fee.
- The fee must be deposited into the county treasury to provide supplemental funding for compensation



Cont. HB 1295

of court-appointed guardians ad litem and court-appointed attorneys ad litem and to fund local guardianship programs for indigent-incapacitated persons.

- The fee is effective Jan. 1, 2008 for all courts with probate jurisdiction other than statutory probate courts.
- See AG Opinion GA-0568



## Local Government Assistance

# Administrative Fees for Dismissal of Certain Violations

House Bill 1623 creates and makes changes to administrative fees for dismissing certain violations. In the Transportation Code, the bill creates an administrative **fee not to exceed \$10** for dismissing a violation of :

- operating a vehicle without a license plate or registration insignia;
- operating a vehicle with a wrong, fictitious, altered or obscured license plate;
- failing to carry a license and exhibit it on demand;
- operating a vehicle in violation of a restriction imposed or without the endorsement required on the license issued to that person;
- operating or allowing the operation of a vehicle that is unsafe or not in compliance with vehicle standards and requirements or is equipped in a prohibited manner.



Cont. HB 1623

Transportation Code -

The bill makes **driving with an invalid license** a Class C misdemeanor punishable by a fine of not more than \$500, rather than not less than \$100 or more than \$200. The bill increases the offense to a Class B misdemeanor for a person with a **previous conviction** of this offense that involved the operation of a vehicle while intoxicated.



## Cont. HB 1623

### Transportation Code -

The bill creates the administrative fee **not to exceed \$20** for dismissing a violation of failing to change address or name on a driver license.

The bill **increases** an administrative fee from not more than \$10 to **not more than \$20** for dismissing a violation of :

- driving with expired registration;
- driving with an expired driver license;
- driving with an expired inspection certificate.



Cont. HB 1623

In the Parks and Wildlife Code -

The bill creates the administrative fee **not to exceed \$10** for dismissing a violation of operating a vessel with an expired certificate of number.

The effective date for the dismissal fees is Jan. 1, 2008.



# Juvenile Delinquency Prevention and Graffiti Eradication Fee

## House Bill 2151

- Increases the fee from \$5 to \$50
- **The fee applies in constitutional and statutory county courts and district courts.**
- The fee is effective Jan. 1, 2008
- The bill was effective June 15, 2007.



# Teen Court Dismissal Fee in the Texas-Louisiana Border Region

## House Bill 2949

- allows juvenile, justice and municipal courts in the Texas-Louisiana Border Region, to increase the fee from \$10 to \$20 for administration costs associated with teen courts and the Teen Court Program.
- This bill was effective Sept. 1, 2007 and the fee is effective Jan. 1, 2008.



## Local Government Assistance

# Ninth Court of Appeals District Appellate Judicial System Support Fee Senate Bill 325

- creates an appellate judicial system for the Ninth Court of Appeals District;
- requires a fee of \$5 for each civil suit filed in county court, county court at law, probate court or district court in the county;
- does not apply to a suit filed by the county or to a suit for delinquent taxes;
- This bill was effective Sept. 1, 2007 and the fee is effective Jan. 1, 2008.



# Driving Records Fee

Senate Bill 1083

- **A court to may obtain a defendant's driving record** from the DPS through the TexasOnline system;
- Allows the court to charge the defendant a \$10 Driving Records fee and the TexasOnline fee of \$2 for a total of \$12;
- Fee must be remitted to the Comptroller and credited to the DPS.
- **This bill was effective Sept. 1, 2007 and the fees are effective Jan. 1, 2008.**



# Civil Suits in Justice of the Peace Courts and Small Claims Court

Senate Bill 1412

Increases the civil suit filing fees **for services rendered before judgment** from:

- \$15 to \$25 in justice courts;
- \$10 to \$25 in small claims courts.

**This bill was effective Sept. 1, 2007 and the fees are effective Jan. 1, 2008.**



# Other Statutory Provisions



# Jurisdiction of Justice and Small Claims Courts

Senate Bill 618

- raised the jurisdictional amount in controversy for justice and small claims courts from not more than \$5,000 to not more than \$10,000;
- removed the requirement that an attorney in a justice court represent a corporation.
- This bill was effective Sept. 1, 2007.



Local Government Assistance

# Photographic Enforcement System

## House Bill 1623 and Senate Bill 1119

Sets monetary limits:

- civil or administrative penalties may not exceed \$75 for violations;
- late payment penalty may not exceed \$25.

Requires local entities to:

- send to the Comptroller 50 percent of the revenue, less local costs, for deposit in the regional trauma account;
- to deposit the remainder of the revenue in a special account to fund traffic safety programs, public safety programs, intersection improvements and traffic enforcement.

SB 1119 sets the administrative rules for the implementation of Photographic Traffic Signal Enforcement Systems.

The bills were effective Sept. 1, 2007.



# Pretrial Intervention Program

## House Bill 2385

- creates a new fee not to exceed \$500 for certain expenses related to pretrial intervention programs;
- district attorney or county attorney may collect a fee not to exceed \$500;
- used to reimburse a county for expenses related to a defendant's participation in a pretrial intervention program offered by that county;
- deposited into a special fund in the county treasury.
- This bill was effective Sept. 1, 2007.



# Marriage License Fees

## House Bill 2685

- increases the civil fee for marriage licenses from \$30 to \$60
- provides an exemption from the fee for couples completing a premarital education course;
- county clerk to remit \$30 of the fee to the Comptroller - \$20 is to be deposited to the Child Abuse and Neglect Prevention Trust Fund Account, and \$10 is to be deposited to the Family Trust Fund;
- Informal marriage recordings, \$12.50 is to be deposited to the Child Abuse and Neglect Prevention Trust Fund Account.
- This bill is effective Sept. 1, 2008.



Local Government Assistance

# Statutory Probate Court Judge Performance Bond

## House Bill 2967

- Requires a \$500,000 bond or insurance payable to the county treasurer to cover losses due to negligence by the judge;
- Commissioners court pays the premium out of the **county's general funds.**
- The bill was effective Oct. 1, 2007.
- Judges serving on Oct. 1, 2007 have until Nov. 1, 2007 to comply with the Act.



# Jury Service Reimbursement

## Senate Bill 560

- Clarifies current law on the proper payment of persons for time served as jurors;
- Municipal juror reimbursement is no longer covered by Chapter 61, Government Code.
- Municipalities have the discretion to set juror reimbursement amounts.
- The bill was effective Sept. 1, 2007.



Local Government Assistance

# Jury Service Donations Reimbursements

House Bill 1204

Allows jurors to donate all or partial amounts of reimbursement to:

- the Victims of Crime Fund,
- the child welfare board of the county, or
- a program approved by the commissioners court.

The donation form must include a blank that a juror may enter a daily donation amount.

This bill was effective Sept. 1, 2007.



# Additional Questions

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# Tax and City & County Forms

Can be downloaded from the  
**Comptroller's Web site at:**

<http://www.window.state.tx.us/taxinfo/taxforms/40-forms.html>