

AN ACT

relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.011 to read as follows:

Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or justice presiding over a court in this state may sign an electronic or digital court document, including an order, judgment, ruling, notice, commission, or precept, electronically, digitally, or through another secure method. The document signed in that manner is the official document issued by the court.

SECTION 2. Chapter 51, Government Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. ELECTRONIC FILING FEE

Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory

1 probate court shall collect a \$20 fee on the filing of any civil
2 action or proceeding requiring a filing fee, including an appeal,
3 and on the filing of any counterclaim, cross-action, intervention,
4 interpleader, or third-party action requiring a filing fee to be
5 used as provided by Section 51.852.

6 (c) In addition to other fees authorized or required by law,
7 the clerk of a justice court shall collect a \$10 fee on the filing of
8 any civil action or proceeding requiring a filing fee, including an
9 appeal, and on the filing of any counterclaim, cross-action,
10 intervention, interpleader, or third-party action requiring a
11 filing fee to be used as provided by Section 51.852.

12 (d) In addition to other court costs, a person shall pay \$5
13 as a court cost on conviction of any criminal offense in a district
14 court, county court, or statutory county court.

15 (e) A court may waive payment of a court cost or fee due
16 under this section for an individual the court determines is
17 indigent.

18 (f) Court costs and fees due under this section shall be
19 collected in the same manner as other fees, fines, or costs in the
20 case.

21 (g) The clerk of a district court, a county court, a
22 statutory county court, a statutory probate court, or a justice
23 court shall deposit the court costs and fees collected under this
24 section in the appropriate local treasury and remit the court costs
25 and fees to the comptroller in the manner provided by Subchapter B,
26 Chapter 133, Local Government Code.

27 (h) The clerk of the supreme court or of a court of appeals

1 shall remit the fees collected under this section to the
2 comptroller.

3 (i) The comptroller shall deposit the court costs and fees
4 received under this section to the credit of the statewide
5 electronic filing system fund established under Section 51.852.

6 (j) The comptroller may audit the records of a county
7 related to costs and fees collected under this section.

8 (k) Money spent from costs and fees collected under this
9 section is subject to audit by the state auditor.

10 Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a)
11 The statewide electronic filing system fund is an account in the
12 general revenue fund.

13 (b) Money in the statewide electronic filing system fund may
14 only be appropriated to the Office of Court Administration of the
15 Texas Judicial System and used to:

16 (1) support a statewide electronic filing technology
17 project for courts in this state;

18 (2) provide grants to counties to implement components
19 of the project; or

20 (3) support court technology projects that have a
21 statewide impact as determined by the office of court
22 administration.

23 SECTION 3. Subchapter C, Chapter 72, Government Code, is
24 amended by adding Section 72.031 to read as follows:

25 Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this
26 section:

27 (1) "Appellate court" means the supreme court, the

1 court of criminal appeals, or a court of appeals.

2 (2) "Electronic filing system" means the filing system
3 established by supreme court rule or order for the electronic
4 filing of documents in courts of this state.

5 (3) "Electronic filing transaction" means the
6 simultaneous electronic filing of one or more documents related to
7 a proceeding before a court in this state.

8 (4) "Local government" means a county or municipality.

9 (b) The office as authorized by supreme court rule or order
10 may implement an electronic filing system for use in the courts of
11 this state.

12 (c) A local government or appellate court that uses the
13 electronic filing system may charge a fee of \$2 for each electronic
14 filing transaction if:

15 (1) the fee is necessary to recover the actual system
16 operating costs reasonably incurred by the local government or
17 appellate court to:

18 (A) accept electronic payment methods; or
19 (B) interface with other technology information
20 systems;

21 (2) the fee does not include an amount to recover local
22 government or appellate court employee costs, other than costs for
23 directly maintaining the system;

24 (3) the governing body of the local government or the
25 appellate court approves the fee using the local government or
26 appellate court's standard approval process for fee increases; and

27 (4) the local government or appellate court annually

1 certifies to the office on a form prescribed by the office that the
2 amount of the fee is necessary to recover the actual system
3 operating costs incurred by the local government or appellate
4 court.

5 (c-1) This subsection and Subsection (c) expire September
6 1, 2019.

7 (d) A local government or appellate court that uses the
8 electronic filing system may accept electronic payment methods,
9 including payments made with credit and debit cards.

10 (e) A governmental entity not otherwise required to pay a
11 filing fee under any other law may not be required to pay a fee
12 established under this section.

13 (f) A court shall waive payment of any fee due under this
14 section for an individual the court determines is indigent.

15 SECTION 4. Subchapter B, Chapter 101, Government Code, is
16 amended by adding Section 101.0211 to read as follows:

17 Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT
18 CODE. The clerk of the supreme court shall collect a statewide
19 electronic filing system fund fee of \$20 under Section 51.851,
20 Government Code.

21 SECTION 5. Subchapter C, Chapter 101, Government Code, is
22 amended by adding Section 101.0411 to read as follows:

23 Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT
24 CODE. The clerk of a court of appeals shall collect a statewide
25 electronic filing system fund fee of \$20 under Section 51.851,
26 Government Code.

27 SECTION 6. Subchapter D, Chapter 101, Government Code, is

1 amended by adding Section 101.06118 to read as follows:

2 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
3 CODE. The clerk of a district court shall collect a statewide
4 electronic filing system fund fee of \$20 under Section 51.851,
5 Government Code.

6 SECTION 7. Subchapter E, Chapter 101, Government Code, is
7 amended by adding Section 101.08117 to read as follows:

8 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:
9 GOVERNMENT CODE. The clerk of a statutory county court shall
10 collect a statewide electronic filing system fund fee of \$20 under
11 Section 51.851, Government Code.

12 SECTION 8. Subchapter F, Chapter 101, Government Code, is
13 amended by adding Section 101.10116 to read as follows:

14 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:
15 GOVERNMENT CODE. The clerk of a statutory probate court shall
16 collect a statewide electronic filing system fund fee of \$20 under
17 Section 51.851, Government Code.

18 SECTION 9. Subchapter G, Chapter 101, Government Code, is
19 amended by adding Section 101.12126 to read as follows:

20 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
21 CODE. The clerk of a county court shall collect a statewide
22 electronic filing system fund fee of \$20 under Section 51.851,
23 Government Code.

24 SECTION 10. Subchapter H, Chapter 101, Government Code, is
25 amended by adding Section 101.1411 to read as follows:

26 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
27 CODE. The clerk of a justice court shall collect a statewide

1 electronic filing system fund fee of \$10 under Section 51.851,
2 Government Code.

3 SECTION 11. Subchapter C, Chapter 102, Government Code, is
4 amended by adding Section 102.0415 to read as follows:

5 Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN
6 DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court
7 shall collect from a defendant a court cost on conviction of \$5
8 under Section 51.851, Government Code.

9 SECTION 12. Subchapter D, Chapter 102, Government Code, is
10 amended by adding Section 102.0615 to read as follows:

11 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN
12 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory
13 county court shall collect from a defendant a court cost on
14 conviction of \$5 under Section 51.851, Government Code.

15 SECTION 13. Subchapter E, Chapter 102, Government Code, is
16 amended by adding Section 102.082 to read as follows:

17 Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN
18 COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall
19 collect from a defendant a court cost on conviction of \$5 under
20 Section 51.851, Government Code.

21 SECTION 14. Section 103.027, Government Code, is amended to
22 read as follows:

23 Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT
24 CODE. (a) Fees and costs shall be paid or collected under the
25 Government Code as follows:

26 (1) filing a certified copy of a judicial finding of
27 fact and conclusion of law if charged by the secretary of state

(Sec. 51.905, Government Code) . . . \$15;

(2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . \$250 except as waived or reduced under supreme court rules for representing an indigent person;

(4) on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) . . . as assessed by the court, all or part of the cost of preparation;

(5) compensation to a referee in juvenile court in Wichita County taxed as costs if the judge determines the parties are able to pay the costs (Sec. 54.403, Government Code) . . . as determined by the judge; and

(6) the expense of preserving the record as a court cost in Brazos County if imposed on a party by the referring court or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

(b) Any fee of \$2 charged by a local government or appellate

1 court for an electronic filing transaction as authorized under
2 Section 72.031(c), Government Code, shall be collected. This
3 subsection expires September 1, 2019.

4 SECTION 15. Section 231.202, Family Code, is amended to
5 read as follows:

6 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
7 CASES. In a Title IV-D case filed under this title, including a
8 case filed under Chapter 159, the Title IV-D agency shall pay only
9 the following costs and fees:

10 (1) filing fees and fees for issuance and service of
11 process as provided by Chapter 110 of this code and by Sections
12 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),
13 Government Code;

14 (2) fees for transfer as provided by Chapter 110;

15 (3) fees for the issuance and delivery of orders and
16 writs of income withholding in the amounts provided by Chapter 110;

17 (4) the fee for services provided by sheriffs and
18 constables, including:

19 (A) a fee authorized under Section 118.131, Local
20 Government Code, for serving each item of process to each
21 individual on whom service is required, including service by
22 certified or registered mail; and

23 (B) a fee authorized under Section 157.103(b) for
24 serving a capias;

25 (5) the fee for filing an administrative writ of
26 withholding under Section 158.503(d);

27 (6) the fee for issuance of a subpoena as provided by

1 Section 51.318(b)(1), Government Code; and

2 (7) a fee authorized by Section 72.031, Government
3 Code, ~~[under a local rule]~~ for the electronic filing of documents
4 with a clerk.

5 SECTION 16. Section 231.204, Family Code, is amended to
6 read as follows:

7 Sec. 231.204. PROHIBITED FEES IN TITLE IV-D CASES. Except
8 as provided by this subchapter, an appellate court, a clerk of an
9 appellate court, a district or county clerk, sheriff, constable, or
10 other government officer or employee may not charge the Title IV-D
11 agency or a private attorney or political subdivision that has
12 entered into a contract to provide Title IV-D services any fees or
13 other amounts otherwise imposed by law for services rendered in, or
14 in connection with, a Title IV-D case, including:

15 (1) a fee payable to a district clerk for:

16 (A) performing services related to the estates of
17 deceased persons or minors;

18 (B) certifying copies; or

19 (C) comparing copies to originals;

20 (2) a court reporter fee, except as provided by
21 Section 231.209;

22 (3) a judicial fund fee;

23 (4) a fee for a child support registry, enforcement
24 office, or domestic relations office;

25 (5) a fee for alternative dispute resolution services;
26 ~~[and]~~

27 (6) a filing fee or other costs payable to a clerk of

1 an appellate court; and

2 (7) a statewide electronic filing system fund fee.

3 SECTION 17. Section 133.058(d), Local Government Code, is
4 amended to read as follows:

5 (d) A county may not retain a service fee on the collection
6 of a fee:

7 (1) for the judicial fund; ~~or~~

8 (2) under Sections 14 and 19, Article 42.12, Code of
9 Criminal Procedure; or

10 (3) under Section 51.851, Government Code.

11 SECTION 18. The imposition of a cost of court on conviction
12 under Section 51.851, Government Code, as added by this Act,
13 applies only to an offense committed on or after the effective date
14 of this Act. An offense committed before the effective date of this
15 Act is covered by the law in effect when the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense was
19 committed before that date.

20 SECTION 19. Section 33.48(a), Tax Code, is amended to read
21 as follows:

22 (a) In addition to other costs authorized by law, a taxing
23 unit is entitled to recover the following costs and expenses in a
24 suit to collect a delinquent tax:

25 (1) all usual court costs, including the cost of
26 serving process and electronic filing fees;

27 (2) costs of filing for record a notice of lis pendens

1 against property;

2 (3) expenses of foreclosure sale;

3 (4) reasonable expenses that are incurred by the
4 taxing unit in determining the name, identity, and location of
5 necessary parties and in procuring necessary legal descriptions of
6 the property on which a delinquent tax is due;

7 (5) attorney's fees in the amount of 15 percent of the
8 total amount of taxes, penalties, and interest due the unit; and

9 (6) reasonable attorney ad litem fees approved by the
10 court that are incurred in a suit in which the court orders the
11 appointment of an attorney to represent the interests of a
12 defendant served with process by means of citation by publication
13 or posting.

14 SECTION 20. Section 33.49(a), Tax Code, is amended to read
15 as follows:

16 (a) Except as provided by Subsection (b), a taxing unit is
17 not liable in a suit to collect taxes for court costs, including any
18 fees for service of process and electronic filing fees, an attorney
19 ad litem, arbitration, or mediation, and may not be required to post
20 security for costs.

21 SECTION 21. (a) Section 51.607, Government Code, does not
22 apply to the imposition of a fee assessed under:

23 (1) Section 51.851, Government Code, as added by this
24 Act;

25 (2) Section 101.0211, Government Code, as added by
26 this Act;

27 (3) Section 101.0411, Government Code, as added by

1 this Act;

2 (4) Section 101.06118, Government Code, as added by
3 this Act;

4 (5) Section 101.08117, Government Code, as added by
5 this Act;

6 (6) Section 101.10116, Government Code, as added by
7 this Act;

8 (7) Section 101.12126, Government Code, as added by
9 this Act;

10 (8) Section 101.1411, Government Code, as added by
11 this Act;

12 (9) Section 102.0415, Government Code, as added by
13 this Act;

14 (10) Section 102.0615, Government Code, as added by
15 this Act; or

16 (11) Section 102.082, Government Code, as added by
17 this Act.

18 (b) The changes in law made by this Act apply only to a fee
19 that becomes payable on or after September 1, 2013. A fee that
20 becomes payable before that date is governed by the law in effect
21 when the fee became payable, and the former law is continued in
22 effect for that purpose.

23 SECTION 22. Not later than December 1, 2018, the Office of
24 Court Administration of the Texas Judicial System shall file a
25 report with the lieutenant governor, the speaker of the house of
26 representatives, and the presiding officers of the standing
27 committees of each house of the legislature with jurisdiction over

H.B. No. 2302

1 the judiciary detailing the number of local governments and
2 appellate courts collecting a fee under Section 72.031(c),
3 Government Code, as added by this Act, and the necessity of the
4 local governments and appellate courts to continue collecting the
5 fee.

6 SECTION 23. This Act takes effect September 1, 2013.

H.B. No. 2302

President of the Senate

Speaker of the House

I certify that H.B. No. 2302 was passed by the House on April 26, 2013, by the following vote: Yeas 138, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2302 on May 16, 2013, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2302 was passed by the Senate, with amendments, on May 15, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor