

# FEES OF COUNTY & DISTRICT CLERKS – CRIMINAL/CIVIL/PROBATE

Teresa Kiel  
Guadalupe County Clerk

Patti Henry  
Chambers County District Clerk

CDCAT Winter Conference  
February , 2018  
San Marcos, Texas

# TOPICS OF DISCUSSION

- Fee Statutes – Results of the 2015 legislative session
- Criminal Fees – Misdemeanors and Felonies
- Civil Fees – County Level, Guardianship, Probate, and District Level
- Bill of Cost
- Fee Collection Statutes
- Fee Collection Categories
- Order of Collection

# CRIMINAL FEES

- **ONLY ONE SET OF COURT COSTS MAY BE ASSESSED**
  - Senate Bill 740, 84<sup>th</sup> Legislature, 2015
    - Created Art. 102.073, Code of Criminal Procedure
      - Clerk may assess court costs and fees only ONCE against a defendant convicted of two or more offenses or multiple counts in a single criminal action.
      - What does this mean, exactly?
      - Per legal counsel at the Office of Court Administration (Ted Wood, Nov. 2015), it means that a defendant can be charged court costs and fees on only one conviction PER CASE – if multiple offenses/counts filed within the same case result in multiple convictions, only one set of court costs and fees may be charged, based on the highest degree offense for which the defendant was convicted.
      - If additional charges/counts are filed in separate cases and result in convictions, court costs and fees would apply in each case.

# CRIMINAL FEES

- NON-DISCLOSURE CHANGES

Senate Bill 1902, 84<sup>th</sup> Legislature, 2015

- Amended Chapter 411, Government Code – Non-Disclosures

- NO FILING FEE REQUIRED – Art. 411.072, Government Code

- Defendant pays only the \$28 state non-disclosure fee
- Deferred adjudication for non-assaultive misdemeanor offenses – see Sec. 411.072, Government Code, for list of offenses that are not eligible for non-disclosure without petition
- Defendant receives discharge and dismissal following deferred adjudication
- Defendant presents evidence to the court that they are eligible for an order of non-disclosure and pays the \$28 state non-disclosure fee to the clerk BEFORE the court issues an order
- Several conditions apply before eligibility can be established, but it is up to the COURT to determine eligibility, not the clerk
- Collect the \$28 non-disclosure fee through the CRIMINAL case – clerk will not create a civil case because there will be no civil petition filed

# CRIMINAL FEES

- **NON-DISCLOSURE CHANGES**

Senate Bill 1902, 84<sup>th</sup> Legislature, 2015

- **Amended Chapter 411, Government Code – Non-Disclosures**

- **FILING FEE REQUIRED – Art. 411.0725, Government Code**

- Deferred adjudication for felonies and certain misdemeanors that are not eligible for non-disclosure under §411.072
- Defendant receives discharge and dismissal following deferred adjudication
- Defendant files petition for order of non-disclosure and pays the applicable civil filing fees including the \$28 state non-disclosure fee
- Notice to the state is required before a hearing on the petition
- Eligibility timeline:
  - On or after discharge and dismissal – misdemeanors other than those listed in Chap. 20, 21, 22, 25, 42, 43 and 46, Penal Code
  - On or after the 2<sup>nd</sup> anniversary of discharge and dismissal – misdemeanors listed in Chap. 20, 21, 22, 25, 42, 43 and 46, Penal Code
  - On or after the 5<sup>th</sup> anniversary of discharge and dismissal - felonies



# MISDEMEANORS

# CRIMINAL FEES

- BASIC COURT COSTS FOR MISDEMEANORS

FEES THAT ARE ALWAYS ASSESSED ON CONVICTION OR DEFERRED ADJUDICATION:

- Clerk Recording Fee – \$40 Art. 102.005, Code of Criminal Procedure
- Consolidated Court Cost – §133.102(a), Local Government Code
  - Class A/B Misdemeanor – \$83
  - Class C Misdemeanor – \$40
- Records Management Fee – \$25 – Art. 102.005(f), Code of Criminal Procedure
- Judicial Fund Fee – \$15 – §§51.702, 51.703, Government Code
- Judicial Support Fee – \$6 – §133.105(a), Local Government Code
- County & District Court Technology Fund Fee – \$4 – Art. 102.0169, Code of Criminal Procedure
- Court Security Fee – \$3 – Art. 102.017(b), Code of Criminal Procedure
- Indigent Defense Fund Fee – \$2 - §133.107, Local Government Code

# CRIMINAL FEES

- BASIC COURT COSTS FOR MISDEMEANORS

FEES THAT ARE ASSESSED UNDER CERTAIN CIRCUMSTANCES:

- ON CONVICTION ONLY – NOT DEFERRED ADJUDICATION:

- Prosecutor's Fee – \$25 – Art. 102.008, Code of Criminal Procedure
- Juror Reimbursement Fee – \$4 – Art. 102.0045, Code of Criminal Procedure
- DNA Testing - \$50 – Art. 102.020(a)(3), CCP – Assault, Unlawful Restraint, Deadly Conduct

- ON CONVICTION BY JURY ONLY:

- Jury Fee – \$40 – Art. 102.004, Code of Criminal Procedure

- ON CONVICTION/DEFERRED ADJUDICATION IF LAW ENFORCEMENT VISUALLY RECORDED:

- Visual Recording Fee – \$15 – Art. 102.018(a), Code of Criminal Procedure



# CRIMINAL FEES

- BASIC COURT COSTS FOR MISDEMEANORS

FEES THAT ARE ASSESSED UNDER CERTAIN CIRCUMSTANCES:

- ON CONVICTION/DEFERRED ADJUDICATION

- Time Payment Fee - \$25 – §133.103(a), LGC – Payments for court costs, fines and/or restitution received on or after 31<sup>st</sup> day following judgment
- EMS Trauma Fund - \$100 – Art. 102.0185, CCP – Intoxication offenses
- Drug Court Cost - \$60 – Art. 102.0178, CCP – Drug and Intoxication offenses
- Juvenile Delinquency Prevention Fund – Art. 102.0171, CCP – Graffiti offenses

- ON CONVICTION/DEFERRED ADJUDICATION (Non-Indigent only, unless court orders despite indigency):

- Statewide E-Filing Fee – \$5 – §51.851(d), Government Code

- ON CONVICTION ONLY – NOT DEFERRED ADJUDICATION – COURT ORDERS:

- Restitution Installment Fee – \$12 – Art. 42.037(g), Code of Criminal Procedure

# CRIMINAL FEES

- BASIC COURT COSTS FOR MISDEMEANORS:
  - LOCAL GENERAL FUND:
    - Clerk Recording Fee – \$40 – Art. 102.005, Code of Criminal Procedure
    - Prosecutor’s Fee – \$25 – Art. 102.008, Code of Criminal Procedure
    - Support of Judiciary Fund Fee – \$.60 – §133.105, Local Government Code
  - LOCAL SPECIAL FUND:
    - Records Management Fee – \$25 – §118.0546, Local Government Code
      - County Records Management Fund – \$22.50
      - County Clerk Records Management Fund – \$2.50
    - Court Technology Fund Fee – \$4 – Art. 102.0169, Code of Criminal Procedure
    - Courthouse Security Fee – \$5 – Art. 102.017, Code of Criminal Procedure

# CRIMINAL FEES

- **BASIC COURT COSTS FOR MISDEMEANORS**
  - **STATE SPECIAL FUND(S):**
    - Statewide E-Filing Fee – \$5 – §51.851, Government Code
    - Indigent Defense Fund Fee – \$2 – §133.107, Local Government Code
    - Judicial Fund Fee – \$15 – §51.702, Government Code
    - Jury Reimbursement Fund Fee – \$4 – Art. 102.0045, Code of Criminal Procedure
    - State Consolidated Court Costs – \$83 (Misd A/B), \$40 (Misd C) – §133.102, Local Government Code
    - Support of Judiciary Fund Fee – \$5.40 – §133.105, Local Government Code

# COUNTY-LEVEL MISDEMEANOR COURT COSTS

## BASIC COURT COSTS – CLASS A & B MISDEMEANORS – CONVICTION:

County Clerk Fee	Code of Criminal Procedure, Art. 102.005	\$40.00
County Court Judicial Fund Fee	Government Code, §51.702	15.00
Court Technology Fund Fee	Code of Criminal Procedure, Art. 102.0169	4.00
Courthouse Security Fund Fee	Code of Criminal Procedure, Art. 102.017	3.00
Electronic Filing System Fee	Government Code §51.851	5.00
Indigent Defense Fund Fee	Local Government Code, §133.107	2.00
Judicial Support Fund	Local Government Code, §133.105	6.00
Jury Reimbursement Fund	Code of Criminal Procedure, Art. 102.0045	4.00
Prosecutor Fee	Code of Criminal Procedure, Art. 102.008	25.00
Record Management Fee	Code of Criminal Procedure, Art. 102.005	25.00
State Consolidated Costs	Local Government Code, §133.102	<u>83.00</u>
		\$212.00

# FELONIES

# CRIMINAL FEES

- BASIC COURT COSTS FOR **FELONIES**

FEES THAT ARE ALWAYS ASSESSED ON CONVICTION OR DEFERRED ADJUDICATION:

- Clerk Recording Fee – \$40 Art. 102.005, Code of Criminal Procedure
- Consolidated Court Cost – **\$ 133** §133.1029(a), Local Government Code
- Records Management Fee – \$25 – Art. 102.005(f), Code of Criminal Procedure
- Judicial Support Fee – \$6 – §133.105(a), Local Government Code
- County & District Court Technology Fund Fee – \$4 – Art. 102.0169, Code of Criminal Procedure
- Court Security Fee – **\$5** – Art. 102.017(a), Code of Criminal Procedure
- Indigent Defense Fund Fee – \$2 - §133.107, Local Government Code
- Statewide E-Filing Fee – \$5 – §51.851(d), Government Code

# CRIMINAL FEES

- BASIC COURT COSTS FOR **FELONIES**

FEES THAT ARE ASSESSED UNDER CERTAIN CIRCUMSTANCES:

- ON CONVICTION ONLY – NOT DEFERRED ADJUDICATION:

- Juror Reimbursement Fee – \$4 – Art. 102.0045, CCP

- ON CONVICTION BY JURY ONLY:

- Jury Fee – \$40 – Art. 102.004, CCP

- ON CONVICTION/DEFERRED ADJUDICATION IF LAW ENFORCEMENT VISUALLY RECORDED:

- Visual Recording Fee – \$15 – Art. 102.018(a), CCP

- ON CONVICTION ONLY – NOT DEFERRED ADJUDICATION – COURT ORDERS:

- Restitution Installment Fee – \$12 – Art. 42.037(g), CCP

# CRIMINAL FEES

- BASIC COURT COSTS FOR **FELONIES**

## FEES THAT ARE ASSESSED UNDER CERTAIN CIRCUMSTANCES:

- ON CONVICTION/DEFERRED ADJUDICATION

- Time Payment Fee - \$25 - §133.103(a), LGC - if pays any part of fine, court costs, or restitution on or after the 31<sup>st</sup> day on which judgment is entered.
- EMS Trauma Fund - \$100 – Art. 102.0185, CCP – Intoxication offenses.
- Child Abuse Prevention Fund - \$100 – Art. 102.0186, CCP – Child offense.
- Drug Court Cost - \$60 – Art. 102.0178, CCP – Drug or Intoxication offenses.
- Juvenile Delinquency Prevention Fee - \$50 – Art. 102.0171(a) CCP– Graffiti offense.

- ON CONVICTION/INCARCERATED

- DNA testing - \$250 – Art. 102.020(a)(1) , CCP – assault and child offenses.

- ON COMMUNITY SUPERVISION including DEFERRED ADJUDICATION

- Family Violence Fee - \$100 – Art. 42A.504(b), CCP – offense that involves family violence.
- DNA testing - \$34 – Art. 102.020(a)(2), CCP – Felony specific cases if they have to submit a DNA sample under Art. 42A.352.



# CRIMINAL FEES

- PEACE OFFICER FEES THAT ARE ASSESSED ON CONVICTION OR DEFERRED ADJUDICATION, WHEN SERVICE HAS BEEN PERFORMED ON BOTH MISDEMEANORS AND FELONIES

All fees provided in Art. 102.011, Code of Criminal Procedure:

- Execute/Process Warrant, Capias, Capias Pro Fine – \$50 Art. 102.011(a)(2)
- Serve Writ – \$35 Art. 102.011(a)(4)
- Take & Approve Bond – \$10 – Art. 102.011(a)(5)
- Arrest Without Warrant or Issue Notice to Appear – \$5 – Art. 102.011(a)(1)
- Commitment to Jail/ Release from Jail – \$5 – Art. 102.011(a)(6)
- Summon Jury – \$5 – Art. 102.011(a)(7)
- Summon Witness (per witness) – \$5 – Art. 102.011(a)(3)
- Convey Witness (per day) – \$10 – Art. 102.011(c)



# CIVIL FEES

# CIVIL FEES

- **BASIC COURT COSTS FOR SUITS FILED IN COUNTY-LEVEL COURTS:**
  - **LOCAL GENERAL FUND:**
    - Clerk Recording Fee – \$40 – §118.053, Local Government Code
  - **LOCAL SPECIAL FUND:**
    - Records Management Fee – \$5 – §118.0546, Local Government Code
    - Court Record Preservation Fee – \$10 – §51.708, Government Code
    - Courthouse Security Fee – \$5 – §291.008, Local Government Code
    - Law Library Fund Fee – Up to \$35 – §323.023, Local Government Code
    - Alternative Dispute Resolution Fee – Up to \$15 – §152.004, Civil Practice & Remedies Code
    - Court Reporter Service Fund Fee – \$15 – §51.601, Government Code

# CIVIL FEES

- BASIC COURT COSTS FOR SUITS FILED IN COUNTY-LEVEL COURTS:
  - STATE SPECIAL FUND:
    - State E-Filing Fee– \$30 – §51.851, Government Code
    - Basic Civil Legal Services for Indigents Fee – \$10 – §133.153, Local Government Code
    - Judicial Fund Fee – \$40 – §51.702 (Statutory County Courts) & §51.703 (Constitutional County Courts), Government Code
    - Support of Judiciary Fund Fee – \$42 – §133.154, Local Government Code
    - **NEW – SB 42, effective 9/1/2017** – Judicial & Court Personnel Training Fund Fee - \$5 - §51.971, Government Code
  - APPELLATE COURT FOR THE COUNTY:
    - Appellate Court Fee – \$5 – Chap. 22, Subchapter C, Government Code
- ADDITIONAL SPECIAL FEES FOR PETITIONS FILED IN COUNTY-LEVEL COURTS:
  - STATE GENERAL FUND:
    - State Non-Disclosure Fee– \$28 – §411.081, Government Code

# PROBATE & GUARDIANSHIP FEES

- **BASIC COURT COSTS FOR CASES FILED IN COUNTY-LEVEL COURTS:**
  - **LOCAL GENERAL FUND:**
    - Clerk Recording Fee – \$40 – §118.053, Local Government Code
  - **LOCAL SPECIAL FUND:**
    - Records Management Fee – \$5 – §118.0546, Local Government Code
    - Court Record Preservation Fee – \$10 – §51.708, Government Code
    - Courthouse Security Fee – \$5 – §291.008, Local Government Code
    - Law Library Fund Fee – Up to \$35 – §323.023, Local Government Code
    - Alternative Dispute Resolution Fee – Up to \$15 – §152.004, Civil Practice & Remedies Code
    - Court Reporter Service Fund Fee – \$15 – §51.601, Government Code
    - Judge & Staff Education Fund Fee – \$5 – §118.064, Local Government Code
    - Supplemental Guardianship Fee – \$20 – §118.067, Local Government Code

# PROBATE & GUARDIANSHIP FEES

- BASIC COURT COSTS FOR CASE FILED IN COUNTY-LEVEL COURTS:
  - STATE SPECIAL FUND:
    - Statewide E-Filing Fee – \$30 – §51.851, Government Code
    - Basic Civil Legal Services for Indigents Fee – \$10 – §133.153, Local Government Code
    - Judicial Fund Fee – \$40 – §51.702 (Statutory County Courts) & §51.703 (Constitutional County Courts), Government Code
    - **NEW – SB 42, effective 9/1/2017** – Judicial & Court Personnel Training Fund Fee - \$5 - §51.971, Government Code
  - APPELLATE COURT FOR THE COUNTY:
    - Appellate Court Fee – \$5 – Chap. 22, Subchapter C, Government Code

# PROBATE & GUARDIANSHIP FEES

- **ADDITIONAL SPECIAL FEES:**

- Application for Sale of Property – \$25 – §118.052(2)(B)(v), Local Government Code
- Inventory After 90 Days – \$25 – §118.052(2)(B)(i), Local Government Code
- Annual/Final Accounting – \$25 – §118.052(2)(B)(iv), Local Government Code
- Annual/Final Report of Guardian – \$10 – §118.052(2)(B)(vi), Local Government Code
- Bond – \$3 – §118.052(2)(B)(ii), Local Government Code
- Oath – \$2 – §118.052(2)(B)(iii), Local Government Code
- Claim Against Estate – \$10 – §118.052(2)(D), Local Government Code
- Filing Document 25+ Pages After Inventory/120 Days – \$25 – §118.052(2)(B)(vii), Local Government Code
- Deposit Will for Safekeeping – \$5 – §118.052(3)(E), Local Government Code
- Private Professional Guardian Registration – \$40 – §1104.301, Estates Code



# DISTRICT CIVIL FEES



# CHAMBERS COUNTY DISTRICT COURT FILING FEES 11/03/2017

## INITIAL CIVIL

Clerk's Basic Filing Fee		\$ 50.00	(GC 51.317(b) (1))
State Consolidated Fee		\$ 50.00	(LGC 133.151(a) (1))
Judicial Support Fee		\$ 42.00	(LGC 133.154)
Law Library Fee		\$ 35.00	(LGC 323.023)(C)
Civil e-Filing Fee		\$ 30.00	(GC 51.851(b))
Court Reporter Fee (Steno)		\$ 15.00	(GC 51.601)
Court Record Preservation Fund		\$ 10.00	(GC 51.708)
Indigent Legal Service Fee		\$ 10.00	(LGC 133.152(a) (2))
District Court Records Archive Fund		\$ 10.00	(GC 51.305(b))
Courthouse Security Fee		\$ 5.00	(LGC 291.008)
Appellate Judicial System Fee		\$ 5.00	(GC 22.2021)
District Clerk Records Management Fee		\$ 5.00	(GC 51.317(c) (2))
County Records Management Fee		\$ 5.00	(GC 51.317(c) (1))
Judicial & Court Personnel Training Fee	<b>Eff. 9/1/2017</b>	\$ 5.00	(GC 51.971)
<b>INITIAL CIVIL</b>	<b>TOTAL</b>	<b>\$277.00</b>	

Additional Plaintiffs (11-25)-\$75.00, (26-100)-\$100.00, (101-500)-\$125.00, (501-1000)-\$150.00, (1001+)-\$200.00

# SAMPLE BILLS OF COST



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**BILL OF COSTS  
CHAMBERS COUNTY, TEXAS**

Cause: ABCD  
In the 253rd District Court

THE STATE OF TEXAS vs. JOE BLOW

TO: JOE BLOW  
PO BOX ABCD  
ANAHUAC, TX 77622-0087

FEE DESCRIPTION	CHARGES	BALANCE
Clerk Fee	40.00	40.00
Consolidated Court Costs	133.00	133.00
Court Appointed Attorney Fee	1,550.00	1,550.00
Court House Security Fee	5.00	5.00
Criminal E-Filing Fee	5.00	5.00
District Court Technology Fund	4.00	4.00
DNA Testing Fee-Probation converted	0.00	0.00
FINE	500.00	500.00
Indigent Defense Fund - Criminal	2.00	2.00
Judicial Support Fee	6.00	6.00
Jury Reimbursement Fee	4.00	4.00
Records Management - Clerk	25.00	25.00
Time Payment Fee	25.00	25.00

	<b>TOTAL</b>	<b>2,299.00</b>	<b>2,299.00</b>
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THE STATE OF TEXAS,  
COUNTY OF CHAMBERS

I, Patti Henry, District Clerk, 253rd, hereby certify the above to be a correct account of the costs chargeable to JOE BLOW, the above entitled and numbered suit up to this date.

Given under my hand and seal of office, at Anahuac, Texas, on this the 25th day of January, 2018.

CAUSE NO: CCL-17-0150  
BILL OF COSTS

THE STATE OF TEXAS § IN THE COUNTY COURT  
VS § AT LAW NO. 2  
JOHN DOE § GUADALUPE COUNTY, TEXAS

THE COSTS ACCRUED IN THE ABOVE ENTITLED CAUSE AS OF 12/27/2017  
COSTS ADJUDGED AGAINST THE DEFENDANT:

Fee Code	Fee Description	Charges	Balance
ARROTH	Arrest Fee w/o Warrant - All Other Agencies	5.00	0.00
CRBOND	Bond Fee - Services of Peace Officer	10.00	0.00
CRCF	Clerk's Fee	40.00	0.00
CRRMPCLK	Clerk's Records Management Fund	2.50	0.00
CRCCC	Consolidated Court Costs Fee	83.00	0.00
CRTECH	County & District Courts Technology Fund	4.00	0.00
CRRMP	County Records Management Fee Fund	22.50	0.00
CAA	Court Appointed Attorney Fee	100.00	0.00
CRCHS	Courthouse Security Fee	3.00	0.00
CREFS	CR Electronic Filing System Fund Fee	5.00	0.00
CRDCP	Drug Court Program Fee	60.00	0.00
CRFSPCA	Fees for Services of Prosecutor - Cty Atty	25.00	0.00
CRIDF	Indigent Defense Fund (IA)	2.00	0.00
CRJAIL	Jail Fee - Committed or Released from Jail	15.00	0.00
CRJUD	Judicial Fund Statutory County Court	15.00	0.00
CRJSFC	Judicial Support Fee - County Portion	0.60	0.00
CRJSFS	Judicial Support Fee - State Portion	5.40	0.00
CRJRF	Jury Reimbursement Fee	4.00	0.00
CRWARC	Warrant Fee - County	50.00	0.00
TOTAL COURT COSTS:		452.00	0.00

AMOUNT TO APPLY \$ \_\_\_\_\_ VERIFIED \_\_\_\_\_  
Defendant initials Clerk initials

THE STATE OF TEXAS  
COUNTY OF GUADALUPE

I, TERESA KIEL, CLERK OF THE COUNTY COURTS AT LAW IN AND FOR SAID COUNTY AND STATE, HEREBY CERTIFY THE ABOVE TO BE A CORRECT ACCOUNTING OF THE COSTS IN THE ABOVE ENTITLED AND NUMBERED CASE ADJUDGED AGAINST THE DEFENDANT AS OF THIS DATE.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SEGUIN, TEXAS ON THIS THE 27TH DAY OF DECEMBER, 2017.

*Teresa Kiel*  
\_\_\_\_\_, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS

\_\_\_\_\_ DAYS JAIL BY: \_\_\_\_\_, DEPUTY  
RECEIVED ON \_\_\_\_\_ BY \_\_\_\_\_, DEFENDANT

\*\*\*\*COURT POLICY ON PAYMENT OF FINE AND COURT COSTS\*\*\*\*

1. \*NO PERSONAL CHECKS WILL BE ACCEPTED.\* REMIT PAYMENT BY MAIL WITH MONEY ORDER OR CASHIER'S CHECK. YOU MAY BRING CASH INTO OUR OFFICE. DO NOT SEND CASH THROUGH THE MAIL.  
GUADALUPE COUNTY CLERK  
211 WEST COURT STREET, 3<sup>RD</sup> FLOOR  
SEGUIN, TX 78155  
PHONE: (830) 303-8861
2. SHOULD AN EXTREME EMERGENCY ARISE WHICH PREVENTS YOU FROM MAKING YOUR PAYMENTS ON TIME, CONTACT THE COURT IMMEDIATELY. BE PREPARED TO PRESENT DOCUMENTS AS PROOF OF YOUR SITUATION.
3. IF YOUR ADDRESS CHANGES, INFORM THE COURT IMMEDIATELY, AS CONTACT MUST BE MAINTAINED AT ALL TIMES.
4. EFFECTIVE SEPTEMBER 1, 2005, THERE WILL BE A \$2.00 TRANSACTION FEE CHARGED FOR EACH PAYMENT MADE TO THE COUNTY COURTS AT LAW (CODE OF CRIMINAL PROCEDURE, ART. 102.0725).
5. A \$25.00 TIME PAYMENT FEE IS ADDED TO YOUR TOTAL COURT COSTS AND FINE IF THE FULL AMOUNT IS NOT PAID BY THE 30<sup>TH</sup> DAY FROM TODAY.
6. PURSUANT TO SB 391, 83<sup>RD</sup> TEXAS LEGISLATURE, AMENDING ART. 42.12(b)(1), CODE OF CRIMINAL PROCEDURE, EFFECTIVE SEPTEMBER 1, 2013, THE DEFENDANT'S OBLIGATION TO PAY COURT COSTS AND FINES CONTINUES AFTER THE PERIOD OF COMMUNITY SUPERVISION EXPIRES, REGARDLESS OF WHETHER PAYMENT OF COURT COSTS AND FINES IS MADE A CONDITION OF COMMUNITY SUPERVISION.

Sample Bill of Costs  
Misdemeanor A/B

# FEE COLLECTION STATUTES

- Local Government Code 133.058 – Portion of Fee Retained.
  - (a) A county may retain 10 percent of the money collected from fees as a service fee for the collection IF the county remits the remainder of the fees to the comptroller within the period prescribed by Section 133.055(a) (which is quarterly).
  - (e) A county may not retain a service fee if, during an audit under Art. 103.0033(j), the OCA determines that the county is not in compliance with Art. 103.0033 and unable to reestablish compliance on or before 180<sup>th</sup> day after they receive written notice of said noncompliance.
- Code of Criminal Procedure Art. 103.0033 – Collection Improvement Program.
  - (b) A county with a population of 100,000 or greater, unless granted a waiver, each county shall develop and implement a collections program.
  - (j) The OCA shall periodically audit counties to verify information reported and confirm the county is conforming with the requirements of the program.


## Criminal Fees Collection/ Distribution Order

1. **Third party specific funds:**
  - a. \$100 - Family Violence
  - b. \$100 - Child Abuse Prevention Fund
2. **100% to State**
  - a. \$5 - E-Filing
3. **Split between County/State** (divided equally within this category)
  - a. \$2 - Indigent defense
  - b. \$6 - Judicial support
  - c. \$25 - Time payment
  - d. \$250/34 - DNA testing court cost
  - e. \$60 - Drug court cost
  - f. \$133 - Consolidated court costs
  - g. \$4 - Juror reimbursement
  - h. \$100 - EMS Trauma fund
4. **County Funds** (divided equally within this category)
  - a. \$40 - Clerk's fee
  - b. \$5 - Courthouse security
  - c. \$25 - Records management
  - d. \$4 - District court technology fund
  - e. \$40 - Jury fee
  - f. \$2.00 - Transaction Fee
5. **Court appointed attorney**
6. **Fine**

# PLACING FEES IN THE CORRECT COLLECTION ORDER

- The following in the way it is done in Tyler's Odyssey case management system.
- For those that do not use Odyssey, ask your IT department or consult your case management companies.

### Maintain Fee Categories
















Current Location  

#### Code Table Values

Show Hidden Codes

Sort

Show Obsolete Codes

Info	Code	Description
	STATE	100% to State (Court Costs)
	ADMIN	Administrative Fees
	CB	Cash Bond
	COUN	County Funds
	CATT	Court Appointed Attorney Fees
	DDFEECAT	Draw Down Account Fee Category
	FINE	Fine
	FN	Fine
	MISC	Miscellaneous Fees
	PROB	Probation
	RT	Registry and Trust
	REST	Restitution
	SPLT	Split between County/State Fees
	3P	Third Party Specific Funds
	TRAN	Transaction Fee

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### Maintain Fee Categories

Current Location

#### Code Table Values

Show Hidden Codes

Show Obsolete Codes

Sort

Info	Code	
	STATE	1
	ADMIN	A
	CB	C
	COUN	C
	CATT	C
	DDFEECAT	D
	FINE	F
	FN	F
	MISC	M
	PROB	P
	RT	R
	REST	R
	SPLT	S
	3P	T
	TRAN	T

#### Modify Fee Categories

Show this code for District Clerk  
 Use for API only

#### System-Wide Code and Description

Code   
Description

#### System-Wide Effective Information

Effective Date

Obsolete Date

#### System-Wide Fee Categories Behavior

Base Fee Category

#### District Clerk Fee Categories Behavior Add

Priority   
Group   
Financial Categories

# Results of the 2017 Legislative Session

- HB 351/SB 1913 – Alternate methods of payment for low-income persons in misdemeanor and lower case types.
  - This is 32 sections of ways to allow alternate methods of payments for low income persons for court costs, fines and fees (hand out provided during the legislative update).
- SB 42 – Judicial and Court Personnel Training Fee
  - New fee of \$5.00 on the filing of any civil action or proceeding requiring a filing fee (hand out provided during the legislative update).
- HB 555 – \$100 fee for an out of state marriage license.
- SB 2053 – Redistributes state consolidated court cost.
- HB 557 – Expunction of arrest records and files for certain persons and return of fees; authorizing a fee.
- HB 3389 – Fees taxed as costs of suit for cases in which a chancery master is appointed, district clerk to collect fees taxed as costs of suit and award to master, regardless of disposition of the suit. Tax Code 33.73(c)

# IMPORTANT OCA LINKS

all effective 1/1/2016

- Misdemeanor court cost chart

<http://www.txcourts.gov/media/1437645/cc-misd-ct-cst-orig-010116.pdf>

- Felony court cost chart

<http://www.txcourts.gov/media/1437646/dc-fel-ct-cst-010116.pdf>

- County-level court civil filing fees

<http://www.txcourts.gov/media/1221224/CC-Civ-Fil-Fees-090115-.pdf>

- County-level court civil suits and actions

<http://www.txcourts.gov/media/1221227/cc-civ-suits-actions-010116.pdf>

- District court civil filing fees

<http://www.txcourts.gov/media/1221001/DC-Civ-Fil-Fees-010116-.pdf>

- District court suits and actions

<http://www.txcourts.gov/media/1221004/dc-civ-suits-actions-010116.pdf>

# Questions?

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