LOCAL GOVERNMENT CODE

TITLE 4. FINANCES

SUBTITLE C. FINANCIAL PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 135. CIVIL FEES PAYABLE TO LOCAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.001. PURPOSE. The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in civil cases by:

(1) an officer of a court for deposit in a county treasury; or

(2) an officer of a county for deposit in the county treasury.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.002. DEFINITIONS. In this chapter:

(1) "Fee" means a civil fee listed under Section 135.003.

(2) "County treasurer" means the custodian of money in a county treasury.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.003. CIVIL FEES. This chapter applies to the civil fees imposed under Sections 135.101, 135.102, and 135.103 on civil, probate, guardianship, and mental health cases.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CIVIL FEES

Sec. 135.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES. (a) A court clerk shall collect and remit to the county treasurer all fees in the manner provided by this section.

(b) An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.

(c) A court clerk collecting a fee shall remit the money to the county treasurer for deposit in the county treasury.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.052. ALLOCATION OF DEPOSITED FEES. (a) Money collected under Subchapter C as civil fees imposed on or after January 1, 2022, shall be allocated according to the percentages provided by Sections 135.101, 135.102, and 135.103, as applicable.

(b) Money collected under Subchapter C as civil fees before January 1, 2022, shall be distributed utilizing historical data so that each account or fund receives the same amount of money the account or fund would have received if the fee for the accounts and funds had been collected and reported separately. This subsection expires September 1, 2025.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

SUBCHAPTER C. LOCAL CIVIL FEES

Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT. (a) A person shall pay in a district court, statutory county court, or county court in addition to all other fees and court costs a local consolidated filing fee of:

(1) $213 on filing any civil case except a probate, guardianship, or mental health case; and

(2) $35 on any action other than an original action for a case subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, motion to reinstate, or third-party action.

(b) The county treasurer shall allocate the fees received under Subsection (a)(1) to the following accounts and funds so that

each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the appellate judicial system fund 2.3474 percent;

(2) the court facility fee fund 9.3897 percent;

(3) the clerk of the court account 23.4742 percent;

(4) the clerks records management and preservation account 14.0845 percent;

(5) the court reporter service fund 11.7371 percent;

(6) the county law library fund 16.4319 percent;

(7) the courthouse security fund 9.3897 percent;

(8) the language access fund 1.4085 percent;

(9) the county jury fund 4.6948 percent; and

(10) the county dispute resolution fund 7.0423 percent.

(c) The county treasurer shall allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the clerk of the court account 42.8571 percent; and

(2) the clerks records management and preservation account 57.1429 percent.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 256 (S.B. 1612), Sec. 23, eff. January 1, 2024.

Sec. 135.102. LOCAL CIVIL FEE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH CASES IN STATUTORY COUNTY COURT, STATUTORY PROBATE COURT, OR COUNTY COURT. (a) A person shall pay in a statutory county court, statutory probate court, or county court in

addition to all other fees and court costs a fee of:

(1) $223 on filing any probate, guardianship, or mental health case; and

(2) $75 on any action other than an original action for a case subject to Subdivision (1), including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief.

(b) The county treasurer shall allocate the fees received under Subsection (a)(1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the appellate judicial system fund 2.2422 percent;

(2) the court facility fee fund 8.9686 percent;

(3) the clerk of the court account 17.9372 percent;

(4) the clerks records management and preservation account 6.7265 percent;

(5) the court reporter service fund 11.2108 percent;

(6) the county law library fund 15.6951 percent;

(7) the courthouse security fund 8.9686 percent;

(8) the language access fund 1.3453 percent;

(9) the county jury fund 4.4841 percent;

(10) the county dispute resolution fund 6.7265 percent;

(11) the court-initiated guardianship fund 8.9686 percent;

(12) the judicial education and support fund 2.2422 percent; and

(13) the public probate administrator fund 4.4843 percent.

(c) The county treasurer shall allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would

have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the clerk of the court account 53.3333 percent;

(2) the clerks records management and preservation account 6.6667 percent;

(3) the court-initiated guardianship fund 26.6667 percent; and

(4) the public probate administrator fund 13.3333 percent.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 256 (S.B. 1612), Sec. 24, eff. January 1, 2024.

Sec. 135.103. LOCAL CONSOLIDATED CIVIL FEE FOR JUSTICE COURT. (a) In addition to all other fees and court costs, a person shall pay a local consolidated filing fee of $33 on filing of any civil case in a justice court and on any action other than an original action for a civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, motion to reinstate, or third-party action.

(b) The county treasurer shall allocate the fees received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the justice court support fund 75.7576 percent;

(2) the county dispute resolution fund 15.1515 percent; and

(3) the language access fund 9.0909 percent.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 256 (S.B. 1612), Sec. 25, eff. January 1, 2024.

SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CIVIL FEES

Sec. 135.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) A county treasurer shall maintain in the county treasury a fund or account to which money is allocated under Section 135.101, 135.102, or 135.103, to the extent that the fund or account is not required by other law. Money in an account maintained under this section may be used only for the purposes provided by this subchapter.

(b) An account or fund maintained under this section in a county treasury may be administered by or at the direction of the county commissioners court.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.152. COURT FACILITY FEE FUND. Money allocated under Section 135.101 or 135.102 to the court facility fee fund maintained in the county treasury as required by Section 135.151 may be used by a county only to fund the construction, renovation, or improvement of facilities that house the courts or to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of the facilities.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.153. CLERK OF THE COURT ACCOUNT. Money allocated under Section 135.101 or 135.102 to the clerk of the court account maintained in the county treasury as required by Section 135.151 may be used by a county only to defray costs of services provided by a county or district clerk.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.154. CLERKS RECORDS MANAGEMENT AND PRESERVATION ACCOUNT. Money allocated under Section 135.101 or 135.102 to the clerks records management and preservation account maintained in the county treasury as required by Section 135.151 may be used by a clerk only to fund records management and preservation services, including automation, performed by the clerk who collects the fee on approval by the commissioners court of a budget as provided by Chapter 111. An expenditure from the fund must comply with Subchapter C, Chapter 262.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 256 (S.B. 1612), Sec. 26, eff. January 1, 2024.

Sec. 135.155. LANGUAGE ACCESS FUND. Money allocated under Section 135.101, 135.102, or 135.103 to the language access fund maintained in the county treasury as required by Section 135.151 may be used by a county only to provide language access services for individuals appearing before the court or receiving court services.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.156. COUNTY JURY FUND. Money allocated under Section 135.101 or 135.102 to the county jury fund maintained in the county treasury as required by Section 135.151 may be used by a county only to fund juror reimbursements and otherwise finance jury services.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.157. COUNTY DISPUTE RESOLUTION FUND. (a) Money allocated under Section 135.101, 135.102, or 135.103 to the county dispute resolution fund maintained in the county treasury as required by Section 135.151 may be used by a county only to establish and maintain an alternative dispute resolution system in accordance with Chapter 152, Civil Practice and Remedies Code. The

fund shall be administered by the commissioners court and may be used by the county only to establish and maintain the system. The system shall be operated at one or more convenient and accessible places in the county.

(b) If a county has not established an alternative dispute resolution system under Chapter 152, Civil Practice and Remedies Code, the money allocated under Subsection (a) shall be remitted to the comptroller and the comptroller shall allocate the money to the statewide electronic filing system fund.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.158. COURT-INITIATED GUARDIANSHIP FUND. Money allocated under Section 135.102 to the court-initiated guardianship fund maintained in the county treasury as required by Section 135.151 may be used by a county only to supplement other available funds to:

(1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates Code;

(2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102, Estates Code; and

(3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.159. JUDICIAL EDUCATION AND SUPPORT FUND. Money allocated under Section 135.102 to the judicial education and support fund maintained in the county treasury as required by Section 135.151 may be used by a county only to pay:

(1) the continuing education of the judge and staff of the probate court, including the payment of travel and related expenses in attending a continuing judicial education activity of an organization accredited by the supreme court for continuing judicial education; or

(2) the county's contribution to fund the compensation required by Section 25.0022, Government Code, for the presiding judge of the statutory probate court.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.160. PUBLIC PROBATE ADMINISTRATOR FUND. Money allocated under Section 135.102 to the public probate administrator fund maintained in the county treasury as required by Section 135.151 may be used by a county only to support the office of public probate administrator established under Chapter 455, Estates Code. A county that does not appoint a public probate administrator subject to Chapter 455, Estates Code, shall deposit the money to the court-initiated guardianship fund.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.

Sec. 135.161. JUSTICE COURT SUPPORT FUND. Money allocated under Section 135.103 to the justice court support fund maintained in the county treasury as required by Section 135.151 may be used by a county only to defray the costs of services provided by a justice court.

Added by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.03, eff. January 1, 2022.