

LOCAL GOVERNMENT CODE

TITLE 4. FINANCES

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

CHAPTER 133. CRIMINAL AND CIVIL FEES PAYABLE TO THE COMPTROLLER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 133.001. PURPOSE. The purpose of this chapter is to consolidate and standardize:

(1) collection of fees payable to the comptroller in criminal and civil matters by:

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

(B) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate;

(2) remittance of those fees to the comptroller as required by this chapter and other law; and

(3) distribution of those fees by the comptroller to the proper accounts and funds in the state treasury.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.01, eff. January 1, 2020.

Sec. 133.002. DEFINITIONS. In this chapter:

(1) "Fee" means:

(A) a criminal fee listed under Section 133.003;
and

(B) a civil fee listed under Section 133.004.

(2) "Indigent" means an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

(3) "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1,

2004.

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section [133.102](#);

(2) fees for services of peace officers employed by the state imposed under Article [102.011](#), Code of Criminal Procedure, and forwarded to the comptroller as provided by Section [133.104](#) of this code; and

(3) fines on conviction imposed under Section [621.506](#)(g), Transportation Code.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. 1360 (S.B. [1704](#)), Sec. 7, eff. September 1, 2005.

Acts 2005, 79th Leg., 2nd C.S., Ch. 3 (H.B. [11](#)), Sec. 10, eff. December 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1014 (H.B. [1267](#)), Sec. 5, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. [346](#)), Sec. 1.02, eff. January 1, 2020.

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee imposed under Section [133.151](#);

(2) fees collected under Section [118.015](#);

(3) marriage license fees for the family trust fund collected under Section [118.018](#); and

(4) marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section [118.022](#).

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., 2nd C.S., Ch. 3 (H.B. 11), Sec. 11, eff. December 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 718 (H.B. 2359), Sec. 6, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1027 (H.B. 1623), Sec. 13, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1149 (S.B. 1119), Sec. 4, eff. September 1, 2007.

Reenacted and amended by Acts 2019, 86th Leg., R.S., Ch. 372 (H.B. 1631), Sec. 5, eff. June 2, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.01, eff. January 1, 2022.

SUBCHAPTER B. REPORTING, COLLECTION, AND REMITTANCE OF FEES

Sec. 133.051. COLLECTION AND REMITTANCE OF FEES. (a) A municipality or county shall collect, record, account for, and remit to the comptroller all fees in the manner provided by this subchapter, except fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code.

(b) Fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code, shall be remitted directly to the treasury by the Office of Court Administration of the Texas Judicial System for disbursement and deposit as provided by that section.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 3.09, eff. January 1, 2022.

Sec. 133.052. DEPOSIT OF FEES. (a) An officer collecting a fee in a case in municipal court shall deposit the money in the municipal treasury.

(b) An officer collecting a fee in a justice, county, or

district court shall deposit the money in the county treasury.

(c) A municipal or county clerk collecting a fee shall deposit the money in the municipal or county treasury, as appropriate.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.053. INTEREST-BEARING ACCOUNT. (a) The treasurer may deposit fees in an interest-bearing account.

(b) The municipality or county may retain any interest accrued on the money the treasurer deposited in the treasury if the treasurer remits the funds to the comptroller within the period prescribed by Section [133.055](#)(a).

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.054. RECORDS. (a) An officer or clerk collecting a fee shall keep a record of the money collected.

(b) The treasurer shall keep a record of the money collected and on deposit in the treasury.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.055. QUARTERLY REMITTANCE OF FEES TO THE COMPTROLLER. (a) For fees paid to an officer of a court and not using the electronic filing system established under Section [72.031](#), Government Code, on or before the last day of the month following each calendar quarter, the treasurer shall:

(1) remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Section [133.058](#); and

(2) submit to the comptroller the report required under Section [133.056](#) for criminal fees and Section [133.057](#) for civil fees.

(b) If the treasurer does not collect any fees during a calendar quarter, the treasurer shall file the report required for the quarter in the regular manner. The report must state that no

fees were collected. This subsection does not apply to reimbursement or other fees or fines collected under Article [42A.303](#), Code of Criminal Procedure, or under Section [76.013](#), Government Code.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. [2299](#)), Sec. 2.74, eff. January 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. [346](#)), Sec. 4.34, eff. January 1, 2020.

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. [41](#)), Sec. 3.10, eff. January 1, 2022.

Acts 2021, 87th Leg., R.S., Ch. 919 (S.B. [1923](#)), Sec. 7, eff. September 1, 2021.

Sec. 133.056. QUARTERLY REPORT FOR CRIMINAL FEES. (a) On the last day of the month following a calendar quarter, the treasurer shall report the criminal fees collected for the preceding calendar quarter.

(b) For fees collected for convictions of offenses committed on or after January 1, 2004, a municipality or county shall report the fees collected for a calendar quarter categorized according to the class of offense.

(c) For fees collected for convictions of offenses committed before January 1, 2004, a municipality or county shall report the total of fees collected for a calendar quarter.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.057. QUARTERLY REPORT FOR CIVIL FEES. On the last day of the month following a calendar quarter, the treasurer shall report the civil fees collected for the preceding calendar quarter.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.058. PORTION OF FEE RETAINED. (a) Except as

otherwise provided by this section, a municipality or county may retain 10 percent of the money collected from fees as a service fee for the collection if the municipality or county remits the remainder of the fees to the comptroller within the period prescribed by Section [133.055\(a\)](#).

(b) A municipality or county may retain an amount greater than 10 percent of the money collected from fees if retention of the greater amount is authorized by law.

(c) Repealed by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. [41](#)), Sec. 5.01(g)(5), eff. January 1, 2022.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 919
(S.B. [1923](#)), Sec. 8

(d) A county may not retain a service fee on the collection of a reimbursement or other fee or fine:

- (1) for the judicial fund;
- (2) under Article [42A.303](#) or [42A.653](#), Code of Criminal Procedure;
- (3) under Section [51.851](#), Government Code; or
- (4) under Section [51.971](#), Government Code.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 472
(S.B. [41](#)), Sec. 3.11

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

- (1) for the judicial fund;
- (2) under Article [42A.303](#) or [42A.653](#), Code of Criminal Procedure;
- (3) under Section [51.851](#), Government Code; or
- (4) for any state consolidated filing fee under Section [133.151](#).

(e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](#)), Sec. 15.04(1), eff. September 1, 2019.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. 899 (S.B. [1863](#)), Sec. 10.02, eff. August 29, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1171 (H.B. [2949](#)), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. [1](#)), Sec. 41.02, eff. September 28, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 460 (S.B. [967](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1290 (H.B. [2302](#)), Sec. 17, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. [2299](#)), Sec. 2.75, eff. January 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. [42](#)), Sec. 23, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](#)), Sec. 15.04(1), eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. [346](#)), Sec. 4.35, eff. January 1, 2020.

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. [41](#)), Sec. 3.11, eff. January 1, 2022.

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. [41](#)), Sec. 5.01(g)(5), eff. January 1, 2022.

Acts 2021, 87th Leg., R.S., Ch. 919 (S.B. [1923](#)), Sec. 8, eff. September 1, 2021.

Sec. 133.059. AUDIT. (a) The comptroller may audit the records of a county or municipality relating to fees collected under this chapter.

(b) Money spent from fees collected under this chapter is subject to audit by the state auditor.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

SUBCHAPTER C. CRIMINAL FEES

Sec. 133.101. MEANING OF CONVICTION. In this subchapter, a

person is considered to have been convicted in a case if:

- (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Sec. 133.102. CONSOLIDATED FEES ON CONVICTION. (a) A person convicted of an offense shall pay as a court cost, in addition to all other costs:

- (1) \$185 on conviction of a felony;
- (2) \$147 on conviction of a Class A or Class B misdemeanor; or
- (3) \$62 on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle.

(b) The court costs under Subsection (a) shall be collected and remitted to the comptroller in the manner provided by Subchapter B.

(c) The money collected under this section as court costs imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided in Subsection (e).

(d) The money collected as court costs imposed on offenses committed before January 1, 2004, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately. The money collected as court costs imposed on offenses committed on or after January 1, 2004, but before January 1, 2020, shall be allocated according to the percentages provided in Subsection (e), as that subsection existed and was applied on December 31, 2019.

(e) The comptroller shall allocate the court costs 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 court costs 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) crime stoppers assistance account 0.2427 percent;

(2) breath alcohol testing account 0.3900 percent;

(3) Bill Blackwood Law Enforcement Management Institute account 1.4741 percent;

(4) Texas Commission on Law Enforcement account 3.4418 percent;

(5) law enforcement and custodial officer supplement retirement trust fund 7.2674 percent;

(6) criminal justice planning account 8.5748 percent;

(7) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 0.8540 percent;

(8) compensation to victims of crime account 24.6704 percent;

(9) emergency radio infrastructure account 3.6913 percent;

(10) judicial and court personnel training account 3.3224 percent;

(11) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account 0.8522 percent;

(12) fair defense account 17.8857 percent;

(13) judicial fund 12.2667 percent;

(14) DNA testing account 0.1394 percent;

(15) specialty court account 1.0377 percent;
(16) statewide electronic filing system
account 0.5485 percent;
(17) jury service fund 6.4090 percent;
(18) truancy prevention and diversion account 2.5956
percent; and
(19) transportation administrative fee account 4.3363
percent.

(f) Of each dollar credited to the Texas Commission on Law Enforcement account under Subsection (e)(4):

(1) 33.3 cents may be used only to pay administrative expenses; and

(2) the remainder may be used only to pay expenses related to continuing education for persons licensed under Chapter [1701](#), Occupations Code.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 701 (H.B. [442](#)), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1249 (S.B. [1664](#)), Sec. 13(b), eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 966 (S.B. [2053](#)), Sec. 1, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. [346](#)), Sec. 1.03, eff. January 1, 2020.

Sec. 133.104. FEES FOR SERVICES OF PEACE OFFICERS EMPLOYED BY THE STATE. (a) Fees imposed under Article [102.011](#), Code of Criminal Procedure, for services performed by peace officers employed by the state shall be forwarded to the comptroller after deducting four-fifths of the amount of each fee received for a service performed under Subsection (a)(1) or (a)(2) of that article, in a manner directed by the comptroller.

(b) The comptroller shall credit fees received under Subsection (a) to the general revenue fund.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1,

2004.

SUBCHAPTER C-1. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 133.121. ALLOCATION OF FEES TO SPECIALTY COURT ACCOUNT. (a) The specialty court account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be used only to fund specialty court programs established under Subtitle K, Title 2, Government Code.

(b) The legislature may appropriate money from the specialty court account only to the criminal justice division of the governor's office for distribution to specialty court programs that apply for the money.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.04, eff. January 1, 2020.

Sec. 133.122. ALLOCATION OF FEES TO JURY SERVICE FUND.

(a) The jury service fund is created in the state treasury. The fund consists of money allocated to the fund under Section 133.102(e). Money in the fund may be appropriated only to provide juror reimbursements to counties.

(b) If, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.04, eff. January 1, 2020.

Sec. 133.123. ALLOCATION OF FEES TO DNA TESTING ACCOUNT. The DNA testing account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be appropriated only to the Department of Public Safety to help defray the cost of collecting or analyzing DNA samples provided by defendants who are required to pay a court cost under Section 133.102.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.04,

eff. January 1, 2020.

Sec. 133.124. ALLOCATION OF FEES TO TRANSPORTATION ADMINISTRATIVE FEE ACCOUNT. The transportation administrative fee account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be appropriated only to the Department of Public Safety to defray the administrative costs associated with implementing Chapter 706, Transportation Code. Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.04, eff. January 1, 2020.

Sec. 133.125. ALLOCATION OF FEES TO TRUANCY PREVENTION AND DIVERSION ACCOUNT. (a) The truancy prevention and diversion account is a dedicated account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e).

(b) The legislature may appropriate money from the truancy prevention and diversion account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.

(c) A local governmental entity may request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1213 (S.B. 1419), Sec. 2, eff. September 1, 2013.

Transferred, redesignated and amended from Code of Criminal Procedure, Art/Sec 102.015 by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.06, eff. January 1, 2020.

SUBCHAPTER D. CIVIL FEES

Sec. 133.151. STATE CONSOLIDATED CIVIL FEE ON FILING A CIVIL

CASE. (a) The clerk of a district court, statutory county court, statutory probate court, or county court shall collect:

(1) a fee in the amount of \$137 on the filing of any civil, probate, guardianship, or mental health case; and

(2) a fee in the amount of \$45 on any action other than an original action subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, adverse probate action, interpleader, motion for new trial, or third-party action.

(a-1) The clerk of a justice court shall collect a fee in the amount of \$21 on the filing of any civil case and on any action other than an original action for the civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) The fees under this section shall be collected and remitted either:

(1) directly to the treasury by the Office of Court Administration of the Texas Judicial System for fees paid using the electronic filing system established under Section 72.031, Government Code; or

(2) to the comptroller in the manner provided by Subchapter B for fees paid to an officer of a court.

(c) The comptroller 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 judicial fund to be used for court-related purposes for the support of the judiciary 59.854 percent;

(2) the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent 14.5985 percent;

(3) the statewide electronic filing system fund 21.8978 percent; and

(4) the judicial and court personnel training

fund 3.6497 percent.

(d) The comptroller 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 basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic legal services to an indigent 22.2222 percent;

(2) the statewide electronic filing system fund 66.6667 percent; and

(3) the judicial and court personnel training fund 11.1111 percent.

(e) The comptroller 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 basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent 28.5714 percent;

(2) the statewide electronic filing system fund 47.6191 percent; and

(3) the judicial and court personnel training fund 23.8095 percent.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 62(a), eff. Jan. 1, 2004.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 1.02, eff. January 1, 2022.