



**COURT COSTS AND FEES IN  
CRIMINAL CASES**

**HANDBOOK  
FOR  
COUNTY CLERKS & DISTRICT CLERKS**

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## INTRODUCTION

### District and County-Level Courts<sup>1</sup>

#### DISTRICT COURTS

There are approximately 424 district courts. Generally, their jurisdiction includes original jurisdiction of felony criminal cases, suits for divorce, suits over title to land, and civil suits with an amount in controversy of at least \$200.<sup>2</sup> To a limited extent, district courts have concurrent jurisdiction with county-level courts with civil suits exceeding \$200 and extending to the maximum amount stipulated by the applicable statute pertaining to the individual county-level court. Above such maximum, the district court exercises exclusive jurisdiction.

The district courts hear contested matters involved in probate cases and have general supervisory control over commissioners courts. District courts also have general original jurisdiction over all causes of action for which a remedy or jurisdiction is not provided by law or by the Constitution, and have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction.

#### “CONSTITUTIONAL” COUNTY COURTS

There are 254 “constitutional” county courts. The Texas Constitution establishes one per county. In some populous counties, the county judge may devote full time to administration with the “constitutional” county court not exercising judicial functions.

These courts have juvenile jurisdiction and concurrent civil jurisdiction with justice of the peace courts in cases in which the matter in controversy exceeds \$200 but does not exceed \$5,000, exclusive of interest, and concurrent civil jurisdiction with district courts in cases in which the matter in controversy exceeds \$200 (*see footnote 2 below*) but does not exceed \$5,000, exclusive of interest. County courts have the general jurisdiction of a probate court, and they have exclusive original jurisdiction of misdemeanors, other than those involving official misconduct, in which the fine allowed exceeds \$500 or in which a jail sentence may be imposed. Appeals from municipal and justice courts are to the county court.

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<sup>1</sup> Information in this section derived from the Texas Judicial Council Annual Report for state fiscal year 2004.

<sup>2</sup> Since the enactment of the Texas Government Code and the adoption of a constitutional amendment in 1985, the lower limit of the district court’s jurisdiction is not clear. There is a split in courts of appeals decisions – two courts of appeals have concluded that the lower limit is \$200.01 [*Arteaga v. Jackson*, 994 S.W.2d 342, 342 (Tex. App. – Texarkana 1999, pet. denied); *Arnold v. West Bend Co.*, 983 S.W.2d 365, 366 n. 1 (Tex. App. – Houston [1<sup>st</sup> Dist.] 1998, no pet.), and one court of appeals has concluded that the lower limit is \$500 [*Chapa v. Spivey*, 999 S.W.2d 883, 835-836 (Tex. App. Tyler 1999, no pet.)] The Supreme Court of Texas has not ruled on this matter.

In addition, some constitutional county courts are divested of certain subject matter jurisdiction while others are granted additional jurisdiction by statutory provisions, which apply only to those courts.

## STATUTORY COUNTY COURTS

There are approximately 228 statutory county courts. These courts are established by the Legislature, primarily in metropolitan areas, to relieve the county judge of all or part of his/her judicial duties.

The legal jurisdiction of statutory county courts varies considerably according to the statute under which they are created. Some are intended to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, probate or appellate (from justice courts or municipal courts). The concurrent civil jurisdiction of these statutory county courts with the district court extends to greater amounts in controversy than the constitutional county courts.

### **Court Costs and Fees**

In addition to county-imposed court costs, fees, and fines, the State of Texas assesses certain costs and fees against defendants in county and district courts. The general reasoning for the costs and fees is that those who violate the law should help pay for certain programs, such as those aimed at crime prevention, victim restitution, and training of court and law enforcement personnel.

### **Comptroller of Public Accounts**

The state Comptroller of Public Accounts is responsible for administering state court costs and fees. Your county/district court must assess, collect, and report fees in accordance with Comptroller requirements. Every effort has been made to ensure that materials in this handbook comply with administrative and legal requirements. For specific questions on assessing, collecting, and reporting, contact the Comptroller directly.

For assessing and collecting questions, contact the Local Government Assistance Division toll free at 1-800-531-5441, extension 34679 (or direct at 512/463-4679). For questions on reporting, contact the Revenue Accounting Division toll free at 1-800-531-5441, extension 34276 (or direct at 512/463-4276).

### **Legal References**

The following simplified legal references are used throughout the handbook:

#### **Technical Reference**

Vernon's Ann.C.C.P.

Vernon's Ann.Civ.St.

V.T.C.A., Alcoholic Beverage Code

#### **Handbook Reference**

Code of Criminal Procedure

Revised Civil Statutes

Alcoholic Beverage Code

V.T.C.A., Family Code	Family Code
V.T.C.A., Government Code	Government Code
V.T.C.A., Health and Safety Code	Health and Safety Code
V.T.C.A., Local Government Code	Local Government Code
V.T.C.A., Parks & Wildlife Code	Parks & Wildlife Code
V.T.C.A., Penal Code	Penal Code
V.T.C.A., Transportation Code	Transportation Code

### **Definition of County Courts**

For purposes of this handbook, “county courts” include statutory county courts (e.g., county courts at law) and constitutional county courts.

### **Disclaimer**

This handbook is to aid court personnel and others by providing precise up-to-date information on various topics regarding court costs and fees, but no express or implied warranties regarding the use or accuracy of this handbook are made by the OFFICE OF COURT ADMINISTRATION, the AUTHORS, or the EDITORS. This HANDBOOK is being distributed with the understanding that the OFFICE OF COURT ADMINISTRATION, the AUTHORS, and the EDITORS are not engaged in rendering legal, accounting, or other professional advice. When dealing with specific legal matters, attorneys should consult original sources and rely on their own knowledge and experience. Other readers should consult appropriate professionals for legal and other advice.

### **Questions and Comments**

If you have any questions, suggestions, or comments about materials in this handbook, please notify:

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