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OPINION COMMITTEE  
FILE # ML-44813-06  
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May 16, 2006

**CERTIFIED MAIL: 7000 0520 0024 6297 5290**

Honorable Greg Abbott  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Re: Request for Attorney General Opinion  
\$37 Filing Fee in Support of Judiciary  
House Bill 11, 79<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session

Dear General Abbott:

I am seeking guidance from your office regarding the statutory interpretation and application of Tex. Loc. Gov't Code Ann. § 133.154 and Tex. Gov't Code Ann. §§ 101.62, 101.083, and 101.123 as amended by House Bill 11 (79<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session), all of which provide for a \$37 filing fee for the support of the judiciary in all civil cases.

The Texas Court of Criminal Appeals has long held that the substantive bond forfeiture law is criminal in nature, but the cases follow the rules of civil procedure. Dees v. State, 865 S.W.2d 461 (Tex. Crim. App. 1993); Tex. Code Crim. Proc. Ann. art. 22.10 (Vernon 2001); and Williams v. State, 707 S.W.2d 40 (Tex. Crim. App. 1986). The Code of Criminal Procedure directs that citations are issued as in other civil actions, that the court docket the case "upon the *scire facias* docket or upon the civil docket," and that "proceedings had therein shall be governed by the same rules governing all other civil suits."

Tex. Code Crim. Proc. Ann. arts. 22.03, 22.04 and 22.05 (Vernon Supp. 2005) and 22.10 (Vernon 2001). In practice, the County and District Clerks prepare and serve bond forfeiture cases just as they do with any other civil suit. (See Tex. Code Crim. Proc. Ann. art. 22.10 (Vernon 2001)).

From the language of House Bill 11 (79<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session), it appears that the 79<sup>th</sup> Texas Legislature intended for the additional filing fees for the support of the judiciary to apply to bond forfeiture matters. Please advise us if the \$37 filing fee from House Bill 11 applies to bond forfeitures and what other fees included in House Bill 11 (79<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session) also apply to bond forfeitures.

Thank you for your time and consideration in this matter. If you need any additional information to make a determination in this case, please do not hesitate to call. Best Regards.

Sincerely,



Bruce Isaacks  
Denton County Criminal District Attorney