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## Judiciary Committee

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### SB 5277

**Title:** An act relating to district court clerk fees.

**Brief Description:** Regarding fees allowed as court costs in district courts.

**Sponsors:** Senators Hatfield, Kline and Delvin.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Authorizes district court clerks to charge fees for certain services.</li></ul>
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**Hearing Date:** 3/16/09

**Staff:** Trudes Tango (786-7384)

**Background:**

District courts are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under \$75,000. District court also has jurisdiction over small claims and traffic infractions.

Generally, except for certain costs, all costs, fees, fines, forfeitures, and penalties collected in whole or in part by the district court must be remitted by the district court clerk to the county treasurer at least monthly. The county treasurer must remit 32 percent of the noninterest money received by district courts to the State Treasurer. The State Treasurer must deposit the money into the Public Safety and Education Account. The remaining balance of the noninterest money received by the county treasurer must be deposited in the county current expense fund. Expenditures of the district court are paid from the county current expense fund.

District court clerks are required to collect a fee for certain services, such as for issuing a writ of garnishment, preparing a transcript of a judgment, certifying any document on file or of record in the clerk's office, preparing the record of a case for appeal to superior court, duplicating part or

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all of the electronic recording of a proceeding, and filing an abstract of judgment or transcript of judgment from a municipal court.

**Summary of Bill:**

District court clerks may charge fees for the following services:

- Preparing a certified copy of an instrument on file or of record in the clerk's office: \$5 for the first page or a portion of the first page and \$1 for each additional page.
- Authenticating or exemplifying an instrument: \$2 for each additional seal affixed.
- Preparing a copy of an instrument on file or of record without a seal: 50 cents per page.
- Copying a document without a seal or that is in an electronic format: 25 cents per page.
- Copies made on a CD: \$20 per CD.
- Receiving faxed documents authorized by court rules: up to \$3 for the first page and \$1 for each additional page.
- Services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches: up to \$20 per hour or portion of an hour.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.