
Civil Rights & Judiciary Committee

HB 1207

Brief Description: Concerning superior court clerk fees.

Sponsors: Representatives Thai and Ryu; by request of Secretary of State.

Brief Summary of Bill

- Creates an additional \$100 surcharge for certain filing fees collected by clerks of superior courts.
- Requires each county to establish a county clerk administrative assistance fund into which \$65 of the new surcharge must be deposited.

Hearing Date: 1/22/25

Staff: Eric Lopez (786-7290) and Yelena Baker (786-7301).

Background:

Clerks of Superior Court.

The county clerk is an independent elected official who serves as the clerk of the superior court. State law and local rules impose a variety of administrative duties for clerks associated with the operation of the courts, including processing court documents; assisting in court proceedings; maintaining court files, records and exhibits; collecting and disbursing court fees, fines and other collections; and issuing court orders and decrees.

Fees Collected by Clerks of Superior Court.

State law requires clerks of superior court to collect specified fees for their official services, including fees for filing:

- documents in a civil action or civil appeal from a court of limited jurisdiction;
- petitions for judicial review of agency actions under the Administrative Procedure Act;

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- petitions for antiharassment protection orders;
- notices of debt due for the compensation of crime victims; and
- petitions and filings in probate proceedings.

In addition, clerks of superior court collect a fee from nonindigent adult defendants upon conviction or guilty plea, and upon failure to prosecute an appeal from a court of limited jurisdiction or affirmance of lower court convictions.

Exempt from filing fees are appeals by defendants in criminal cases, petitions for relinquishment of parental rights, forms and instructional brochures related to protection orders, and abstracts of judgment.

Revenue from superior court filing fees is split, with 46 percent going to the state and the remainder going to the county and the county or regional law library.

Surcharge on Fees Collected by Clerks of Superior Court.

In addition to collecting fees, clerks of superior court are also required to collect the following surcharges:

- \$30 surcharge on fees for filing initial documents in a civil appeal from a court of limited jurisdiction; and
- \$40 surcharge on all other filing fees, except for petitions for antiharassment orders, and fees collected from nonindigent adult defendants.

Revenue from superior court filing fees is split, with 75 percent going to the state and the remainder going to the county. State revenue from the surcharges must be remitted to the State Treasurer for deposit into the Judicial Stabilization Trust Account.

Summary of Bill:

Clerks of superior court must collect an additional \$100 surcharge on all filing fees collected by the clerk, with the exception of filing fees for antiharassment protection order petitions and the fees imposed on nonindigent adult defendants upon conviction or guilty plea, and upon failure to prosecute an appeal from a court of limited jurisdiction or affirmance of lower court conviction.

Of this amount, \$35 must be transmitted by the county treasurer to the State Treasurer, with \$5 allocated to the Library Archives Building Account and \$30 to the Local Government Archives Account.

The remaining \$65 is retained by the county treasurer and deposited into the clerk's administrative assistance fund, which must be established by each county and used exclusively for the statutory obligations of the county clerk's office. Expenditures from the fund may only be authorized by the county clerk and an appropriation is not required for expenditures. The fund is not subject to appropriation or budgets by the county legislative authority.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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