

SENATE BILL 2853

By Yager

AN ACT to amend Tennessee Code Annotated, Section 8-21-401 and Section 8-21-409, relative to fees collected by court clerks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-401, is amended by designating the existing language of subsection (j) as subdivision (j)(1) and by adding the following new subdivision:

(2) Effective July 1, 2012, all the general filing fees charged by court clerks shall be increased by two dollars (\$2.00). The amount collected pursuant to this two dollar (\$2.00) increase shall be earmarked, along with the two dollars (\$2.00) in subdivision (j)(1), for the purposes set forth in subdivision (j)(1), and shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended. Pursuant to subsection (l), the fees increased by this subdivision (j)(2) shall not be assessed against the state or otherwise represent a cost to the state in criminal cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, compiled in title 71, chapter 6, part 1, actions with regard to child care licensing, and collection efforts brought by the department of human services.

SECTION 2. Tennessee Code Annotated, Section 8-21-409(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

In each new case filed, the clerk may, at the clerk's option, charge an additional fee for data entry in the amount of four dollars (\$4.00). Notwithstanding any provision of this subsection (d) to the contrary, any fees increased by this subsection (d) that are assessed against the state or that otherwise represent a cost to the state in criminal

cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, compiled in title 71, chapter 6, part 1, actions with regard to child care licensing, and collection efforts brought by the department of human services, shall be limited to the amounts chargeable prior to July 1, 2012.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.