

By: Luna, Jones of Bexar

H.B. No. 1940

A BILL TO BE ENTITLED

AN ACT

relating to longevity pay for assistant prosecutors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.252(a), Government Code, is amended to read as follows:

(a) An assistant prosecutor is entitled to longevity pay ~~[to be included in the assistant prosecutor's monthly compensation]~~ if the assistant prosecutor:

(1) is a full-time employee on the last day of a state fiscal quarter ~~[first workday of the month]~~;

(2) is not on leave without pay on the last day of a state fiscal quarter ~~[first workday of the month]~~; and

(3) has accrued at least four years of lifetime service credit not later than the last day of the ~~[preceding]~~ preceding the last month of a state fiscal quarter.

SECTION 2. Section 41.253(a), Government Code, is amended to read as follows:

(a) Except as provided by Section 41.255(f), the ~~[The monthly]~~ amount of longevity pay is \$20 per month for each year of lifetime service credit.

SECTION 3. Section 41.255, Government Code, is amended by amending Subsections (a), (d), and (e) and adding Subsections (f) and (g) to read as follows:

(a) The county shall pay a longevity pay supplement under

1 this subchapter to the extent the county receives funds from the  
2 comptroller as provided by Subsection (d) [out of the county  
3 general fund].

4 (d) Not later than the 15th day after the start of each state  
5 fiscal quarter, the county shall certify to the comptroller the  
6 total amount of longevity pay supplement due to all assistant  
7 prosecutors in the county for the preceding state fiscal quarter.  
8 The comptroller shall issue a warrant to the county for the amount  
9 certified. The comptroller shall issue warrants to the counties  
10 not later than the 60th day after the first date of each state  
11 fiscal quarter. [The state shall reimburse a county for amounts  
12 expended for longevity pay supplements under this subchapter.]

13 (e) On the receipt of funds from the comptroller as provided  
14 by Subsection (d), the county shall pay longevity supplements to  
15 eligible assistant prosecutors in the next regularly scheduled  
16 salary payment or in a separate payment [A county seeking  
17 reimbursement under this section shall certify to the comptroller  
18 on a quarterly basis the amount of reimbursement that the county is  
19 entitled to receive. The comptroller shall issue a warrant to the  
20 county in the amount certified].

21 (f) A county is not required to pay longevity supplements if  
22 the county does not receive funds from the comptroller as provided  
23 by Subsection (d). If sufficient funds are not available to meet  
24 the requests made by counties for funds for payment of assistant  
25 prosecutors qualified for longevity supplements, the comptroller  
26 shall apportion the available funds to the eligible counties by  
27 reducing the amount payable to each county on an equal percentage

1 basis. A county that receives from the comptroller an amount less  
2 than the amount certified by the county to the comptroller under  
3 Subsection (d) shall apportion the funds received by reducing the  
4 amount payable to eligible assistant prosecutors on an equal  
5 percentage basis, but is not required to use county funds to make up  
6 any difference between the amount certified and the amount  
7 received.

8 (g) If previous payments under this chapter have been  
9 reduced for insufficient funds pursuant to Subsection (f), or if a  
10 county submits the required information but not in a timely manner  
11 as required by Subsection (d), the comptroller shall:

12 (1) make a payment of the balance when the funds are  
13 available; or

14 (2) carry forward the balance owed to the county and  
15 pay that amount to the county when the next payment is required.

16 SECTION 4. Subchapter D, Chapter 41, Government Code, is  
17 amended by adding Section 41.258 to read as follows:

18 Sec. 41.258. FELONY PROSECUTOR SUPPLEMENT FUND. (a) The  
19 felony prosecutor supplement fund is created in the state treasury.

20 (b) A court, judge, magistrate, peace officer, or other  
21 officer taking a bail bond for an offense other than a misdemeanor  
22 punishable by fine only under Chapter 17, Code of Criminal  
23 Procedure, shall require the payment of a \$10 cost by each surety  
24 posting the bail bond.

25 (c) An officer collecting a cost under this section shall  
26 deposit the cost in the county treasury in accordance with Article  
27 103.004, Code of Criminal Procedure.

1       (d) An officer who collects a cost due under this section  
2 shall:

3               (1) keep separate records of the funds collected; and  
4               (2) file the reports required by Article 103.005, Code  
5 of Criminal Procedure.

6       (e) The custodian of the county treasury shall:

7               (1) keep records of the amount of funds on deposit that  
8 are collected under this section; and

9               (2) send to the comptroller not later than the last day  
10 of the month following each calendar quarter the funds collected  
11 under this section during the preceding quarter.

12       (f) A county may retain 10 percent of the funds collected  
13 under this section and may also retain all interest accrued on the  
14 funds if the custodian of the treasury:

15               (1) keeps records of the amount of funds on deposit;  
16 and

17               (2) remits the funds to the comptroller as prescribed  
18 by Subsection (e).

19       (g) Funds collected are subject to audit by the comptroller,  
20 and funds expended are subject to audit by the state auditor.

21       (h) The comptroller shall deposit the funds received under  
22 this section in the felony prosecutor supplement fund.

23       (i) The comptroller shall pay supplements from the fund as  
24 provided by this subchapter. At the end of each fiscal year, any  
25 unexpended balance in the fund in excess of \$1.5 million may be  
26 transferred to the general revenue fund.

27       SECTION 5. This Act takes effect December 1, 2003, except

H.B. No. 1940

1 that Section 4 of this Act takes effect September 1, 2003, and  
2 applies only to a bail bond taken as provided by Section 41.258,  
3 Government Code, as added by this Act, on or after that date.