

AN ACT

relating to longevity pay for assistant prosecutors and to certain legal defense matters.

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:

1           (a) The county shall pay a longevity pay supplement under  
2 this subchapter to the extent the county receives funds from the  
3 comptroller as provided by Subsection (d) [~~out of the county~~  
4 ~~general fund~~].

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

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

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

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

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

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

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

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

19 Sec. 41.258. FELONY PROSECUTOR SUPPLEMENT FUND AND FAIR  
20 DEFENSE ACCOUNT. (a) The felony prosecutor supplement fund is  
21 created in the state treasury.

22 (b) A court, judge, magistrate, peace officer, or other  
23 officer taking a bail bond for an offense other than a misdemeanor  
24 punishable by fine only under Chapter 17, Code of Criminal  
25 Procedure, shall require the payment of a \$15 cost by each surety  
26 posting the bail bond, provided the cost does not exceed \$30 for all  
27 bail bonds posted at that time for an individual and the cost is not

1 required on the posting of a personal or cash bond.

2 (c) An officer collecting a cost under this section shall  
3 deposit the cost in the county treasury in accordance with Article  
4 103.004, Code of Criminal Procedure.

5 (d) An officer who collects a cost due under this section  
6 shall:

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

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

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

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

16 (f) A surety paying a cost under Subsection (b) may apply  
17 for and is entitled to a refund of the cost not later than the 181st  
18 day after the date the state declines to prosecute an individual or  
19 the grand jury declines to indict an individual.

20 (g) A county may retain 10 percent of the funds collected  
21 under this section and may also retain all interest accrued on the  
22 funds if the custodian of the treasury:

23 (1) keeps records of the amount of funds on deposit;  
24 and

25 (2) remits the funds to the comptroller as prescribed  
26 by Subsection (e).

27 (h) Funds collected are subject to audit by the comptroller,

1 and funds expended are subject to audit by the state auditor.

2 (i) The comptroller shall deposit two-thirds of the funds  
3 received under this section in the felony prosecutor supplement  
4 fund and one-third of the funds received under this section to the  
5 fair defense account. A county may not reduce the amount of funds  
6 provided for indigent defense services in the county because of  
7 funds provided under this subsection.

8 (j) The comptroller shall pay supplements from the felony  
9 prosecutor supplement fund as provided by this subchapter. At the  
10 end of each fiscal year, any unexpended balance in the fund in  
11 excess of \$1.5 million may be transferred to the general revenue  
12 fund.

13 SECTION 5. This Act takes effect December 1, 2003, except  
14 that Section 4 of this Act takes effect September 1, 2003, and  
15 applies only to a bail bond taken as provided by Section 41.258,  
16 Government Code, as added by this Act, on or after that date.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1940 was passed by the House on April 25, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1940 on May 30, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1940 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor