

By: Luna

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 Subsection (f) 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. If sufficient funds are not appropriated by the  
10 legislature to meet the state's obligation to all assistant  
11 prosecutors qualified for longevity supplements, the comptroller  
12 shall apportion the available funds on a pro rata basis. The  
13 comptroller shall issue warrants to the counties not later than the  
14 30th day after the first date of each state fiscal quarter. [~~The~~  
15 ~~state shall reimburse a county for amounts expended for longevity~~  
16 ~~pay supplements under this subchapter.~~]

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

25 (f) A county is not required to pay longevity supplements if  
26 the county does not receive funds from the comptroller as provided  
27 by Subsection (d). A county that receives from the comptroller an

1 amount less than the amount certified by the county to the  
2 comptroller under Subsection (d) shall apportion the funds received  
3 on a pro rata basis to eligible assistant prosecutors but is not  
4 required to use county funds to make up any difference between the  
5 amount certified and the amount received.

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

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

10 (b) A court, judge, magistrate, peace officer, or other  
11 officer taking a bail bond for an offense other than a misdemeanor  
12 punishable by fine only under Chapter 17, Code of Criminal  
13 Procedure, shall require the payment of a \$10 fee by each surety  
14 posting the bail bond.

15 (c) An officer collecting a fee under this section shall  
16 deposit the fee in the county treasury in accordance with Article  
17 103.004, Code of Criminal Procedure.

18 (d) An officer who collects a fee due under this section  
19 shall:

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

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

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

26 (2) send to the comptroller not later than the last day  
27 of the month following each calendar quarter the funds collected

1 under this section during the preceding quarter.

2 (f) A county may retain as a collection fee 10 percent of the  
3 funds collected under this section and may also retain all interest  
4 accrued on the funds if the custodian of the treasury:

5 (1) keeps records of the amount of funds on deposit;  
6 and

7 (2) remits the funds to the comptroller as prescribed  
8 by Subsection (e).

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

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

13 (i) The comptroller shall pay supplements from the fund as  
14 provided by Section 41.252. At the end of each fiscal year, any  
15 unexpended balance in the fund in excess of \$1 million shall be  
16 transferred to the general revenue fund.

17 SECTION 5. This Act takes effect January 1, 2004, except  
18 that Section 4 of this Act takes effect September 1, 2003, and  
19 applies only to a bail bond taken as provided by Section 41.258,  
20 Government Code, as added by this Act, on or after that date.