

BILL ANALYSIS

C.S.H.B. 3280
By: Campbell
Border and International Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many rural counties struggle to keep pace with demands placed upon the sheriff due to limited financial resources and limited law enforcement personnel. Examples of such demands include drug trafficking, drug manufacturing, and expanded homeland security responsibilities.

The committee substitute to House Bill 3280 creates the county law enforcement fund by imposing a \$10 court cost on defendants convicted of moving violations in a justice court, county court, county court at law, or municipal court and allows the Department of Public Safety to make grants from the fund to a county of less than 150,000 people for use by the sheriff of that county.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Sec. 411.0093(c), Government Code) of this bill.

ANALYSIS

SECTION 1 Amends Chapter 411, Subchapter A, Government Code, by adding Sec. 411.0093 to provide that the Department of Public Safety may adopt rules to award grants from the county law enforcement assistance fund to a county sheriff in a county with a population of less than 150,000 to enhance homeland security and fight drug trafficking. A commissioners court of the county in which a sheriff receives such a grant, may not, as a result of the grant, reduce the county funds provided for the sheriff.

The county law enforcement assistance fund is created as a separate account in the general revenue fund and may be used only for the purpose of awarding grants as described above.

SECTION 2 Amends Chapter 102, Subchapter A, Code of Criminal Procedure, by adding Article 102.022 to establish a source of funding for the county law enforcement assistance fund. The fund is funded by imposing a \$10 fee on a moving violation. Any defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court must pay the \$10 fee. The word convicted is defined to include a sentence, community supervision, including deferred adjudication, or a deferral of final disposition.

The clerk of each court shall collect the fee, keep records of and deposit the funds in the appropriate account, and forward the funds to the comptroller once per quarter. A county or municipality may retain ten percent of the funds collected as a collection fee. If no funds are collected in a calendar quarter, the treasury custodian shall file a report with the comptroller stating as such.

The comptroller shall deposit funds received into the county law enforcement assistance fund in the general revenue fund. Such funds are subject to audit by the comptroller.

- SECTION 3 Amends Section 102.061, Government Code, requiring the clerk of a statutory county court to collect a county law enforcement fee of \$10 upon conviction of a defendant.
- SECTION 4 Amends Section 102.081, Government Code, requiring the clerk of a county court to collect a county law enforcement fee of \$10 upon conviction of a defendant.
- SECTION 5 Amends Section 102.101, Government Code, requiring the clerk of a justice court to collect a county law enforcement fee of \$10 upon conviction of a defendant.
- SECTION 6 Amends Section 102.121, Government Code, requiring the clerk of a municipal court to collect a county law enforcement fee of \$10 upon conviction of a defendant.
- SECTION 7 Provides that additional court costs imposed by this Act apply only to offenses committed on or after the effective date of the Act. An offense was committed before the effective date of the Act if any element of the offense was committed before that date.
- SECTION 8 The Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute removes the condition that a grant-receiving county must lie within 250 miles of an international border of this state.

The substitute creates the county law enforcement fund as a separate fund within the general revenue fund. A \$10 court cost imposed on defendants convicted of moving violations in a justice court, county court, county court at law, or municipal court will be deposited into the fund. The Department of Public Safety may provide grants from the fund to the sheriff of a county.

A provision relating to the time of an offense and its subsection to the fee is included and the provision allowing for immediate effect is removed.