

By: Ellis, et al.

S.B. No. 2279

Substitute the following for S.B. No. 2279:

By: Martinez

C.S.S.B. No. 2279

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dedication of certain civil penalties for
3 violations of the Deceptive Trade Practices-Consumer Protection
4 Act to provide civil legal services to the indigent.

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

6 SECTION 1. Section 402.007, Government Code, is amended to
7 read as follows:

8 Sec. 402.007. PAYMENT TO TREASURY; ALLOCATION OF CERTAIN
9 PENALTIES. (a) The attorney general shall immediately pay into the
10 state treasury money received for a debt or penalty.

11 (b) Subject to Subsection (c), the comptroller shall credit
12 to the judicial fund for programs approved by the supreme court that
13 provide basic civil legal services to the indigent the net amount of
14 a civil penalty that is recovered in an action by the attorney
15 general in any matter actionable under Subchapter E, Chapter 17,
16 Business & Commerce Code, after deducting amounts allocated to or
17 retained by the attorney general as authorized by law, unless:

18 (1) another law requires that the penalty be credited
19 to a different fund or account; or

20 (2) the judgment awarding the penalty requires that
21 the penalty be paid to another named recipient.

22 (c) The total amount credited to the judicial fund for
23 programs approved by the supreme court that provide basic civil
24 legal services to the indigent under Subsection (b) may not exceed

1 \$10 million per state fiscal biennium.

2 SECTION 2. The change in law made by this Act applies to a
3 civil penalty in an action by the attorney general in any matter
4 actionable under Subchapter E, Chapter 17, Business & Commerce
5 Code, that is received on or after the effective date of this Act.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.