

By: Thompson of Harris, Davis of Harris,
Alonzo, Sheets, Villalba, et al.

H.B. No. 1079

A BILL TO BE ENTITLED

AN ACT

relating to the distribution of certain civil penalties, payments,
and civil restitution received by the attorney general.

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

SECTION 1. Section 402.007(b), Government Code, is amended
to read as follows:

(b) Subject to Subsection (d), the comptroller shall credit
to the judicial fund for programs approved by the supreme court that
provide basic civil legal services to the indigent the net amount
of:

(1) a civil penalty or payment, excluding attorney's
fees or costs, that is recovered in an action by the attorney
general in any matter actionable under the [~~Subchapter E, Chapter
17,~~] Business & Commerce Code, after deducting amounts allocated to
or retained by the attorney general as authorized by law, unless:

(A) another law requires that the funds [~~penalty~~]
be credited to a different fund or account; or

(B) the judgment awarding the funds [~~penalty~~]
requires that the funds [~~penalty~~] be paid to another identifiable
[~~named~~] recipient; and

(2) civil restitution recovered by the attorney
general in an action brought by the attorney general [~~arising from
conduct that violates a consumer protection, public health, or
general welfare law,~~] if, on the hearing of an ex parte motion filed

1 by the attorney general after the entry of a judgment awarding civil
2 restitution, the court:

3 (A) determines that, based on the facts and
4 circumstances of the case:

5 (i) it is impossible or impracticable to
6 identify injured parties;

7 (ii) it is impossible or impracticable to
8 determine the degree to which each claimant was injured and
9 entitled to recover;

10 (iii) the cost of administering a claim
11 procedure will disproportionately reduce the amount of restitution
12 available for the payment of individual claims; or

13 (iv) the claims of all identifiable persons
14 eligible to receive restitution have been paid without exhausting
15 the funds available for restitution; and

16 (B) enters a judgment or order that the
17 restitution be credited to the judicial fund for programs approved
18 by the supreme court that provide basic civil legal services to the
19 indigent.

20 SECTION 2. The change in law made by this Act applies only
21 to a civil penalty, payment, or civil restitution that is received
22 by the attorney general on or after the effective date of this Act.
23 A civil penalty, payment, or civil restitution received by the
24 attorney general before the effective date of this Act is governed
25 by the law in effect immediately before the effective date of this
26 Act, and that law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.