

By: Thompson of Harris

H.B. No. 1079

A BILL TO BE ENTITLED

AN ACT

relating to the distribution of certain civil penalties 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 that is recovered in an action by  
the attorney general [~~in any matter actionable under 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 penalty be  
credited to a different fund or account; or

(B) the judgment awarding the penalty requires  
that the penalty be paid to another 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  
by the attorney general after the entry of a judgment awarding civil

1 restitution, the court:

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

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

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

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

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

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

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

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2015.