

1-1 By: Thompson of Harris, et al. H.B. No. 1079  
1-2 (Senate Sponsor - Perry)  
1-3 (In the Senate - Received from the House May 6, 2015;  
1-4 May 11, 2015, read first time and referred to Committee on State  
1-5 Affairs; May 19, 2015, reported favorably by the following vote:  
1-6 Yeas 9, Nays 0; May 19, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 A BILL TO BE ENTITLED  
1-19 AN ACT

1-20 relating to the distribution of certain civil penalties, payments,  
1-21 and civil restitution received by the attorney general.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 402.007(b), Government Code, is amended  
1-24 to read as follows:

1-25 (b) Subject to Subsection (d), the comptroller shall credit  
1-26 to the judicial fund for programs approved by the supreme court that  
1-27 provide basic civil legal services to the indigent the net amount  
1-28 of:

1-29 (1) a civil penalty or payment, excluding attorney's  
1-30 fees or costs, that is recovered in an action by the attorney  
1-31 general in any matter actionable under the ~~[Subchapter E, Chapter~~  
1-32 ~~17,~~ Business & Commerce Code, after deducting amounts allocated to  
1-33 or retained by the attorney general as authorized by law, unless:

1-34 (A) another law requires that the funds [penalty]  
1-35 be credited to a different fund or account; or

1-36 (B) the judgment awarding the funds [penalty]  
1-37 requires that the funds [penalty] be paid to another identifiable  
1-38 ~~[named]~~ recipient; and

1-39 (2) civil restitution recovered by the attorney  
1-40 general in an action brought by the attorney general ~~[arising from~~  
1-41 ~~conduct that violates a consumer protection, public health, or~~  
1-42 ~~general welfare law,~~ if, on the hearing of an ex parte motion filed  
1-43 by the attorney general after the entry of a judgment awarding civil  
1-44 restitution, the court:

1-45 (A) determines that, based on the facts and  
1-46 circumstances of the case:

1-47 (i) it is impossible or impracticable to  
1-48 identify injured parties;

1-49 (ii) it is impossible or impracticable to  
1-50 determine the degree to which each claimant was injured and  
1-51 entitled to recover;

1-52 (iii) the cost of administering a claim  
1-53 procedure will disproportionately reduce the amount of restitution  
1-54 available for the payment of individual claims; or

1-55 (iv) the claims of all identifiable persons  
1-56 eligible to receive restitution have been paid without exhausting  
1-57 the funds available for restitution; and

1-58 (B) enters a judgment or order that the  
1-59 restitution be credited to the judicial fund for programs approved  
1-60 by the supreme court that provide basic civil legal services to the  
1-61 indigent.

2-1 SECTION 2. The change in law made by this Act applies only  
2-2 to a civil penalty, payment, or civil restitution that is received  
2-3 by the attorney general on or after the effective date of this Act.  
2-4 A civil penalty, payment, or civil restitution received by the  
2-5 attorney general before the effective date of this Act is governed  
2-6 by the law in effect immediately before the effective date of this  
2-7 Act, and that law is continued in effect for that purpose.

2-8 SECTION 3. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2015.

2-13

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