

By: Phillips

H.B. No. 4109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection of money by certain prosecuting
3 attorneys.

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

5 SECTION 1. Section 41.005, Government Code, is amended as
6 follows:

7 Sec. 41.005. COLLECTION OF MONEY. (a) Not later than the
8 30th day after the date on which a district attorney, criminal
9 district attorney, or county attorney receives any money collected
10 for the state or a county, the district or county attorney shall,
11 after deducting the commissions provided by this section, pay the
12 money into the treasury of the state or of the county to which it
13 belongs.

14 (b) The district attorney, criminal district attorney, or
15 county attorney may retain a commission from money collected for
16 the state or a county, including money collected on a bond
17 forfeiture. The amount of the commission in any one case is 15 ~~10~~
18 percent of the total amount of principal and interest ~~first \$1,000~~
19 collected ~~and five percent of the amount collected over \$1,000.~~

20 (c) Subsections (a) and (b) of this section also apply to
21 money realized for the state under the laws governing escheat.

22 (d) Not later than the last day of August of each year, each
23 district attorney, criminal district attorney, and county attorney
24 shall file in the office of the comptroller or of the county

1 treasurer, as appropriate ~~the case may be~~, a sworn account of all
2 money received by the attorney ~~him~~ by virtue of the attorney's ~~his~~
3 office during the preceding year and payable into the state or
4 county treasury.

5 (e) A commission retained under this section, including a
6 commission retained from money collected on a bond forfeiture in
7 which a district attorney, criminal district attorney, or county
8 attorney represents the state, shall be deposited in the county
9 treasury in a special fund to be administered by the district
10 attorney, criminal district attorney, or county attorney, as
11 applicable.

12 (f) Expenditures from the fund under Subsection (e) shall be
13 at the sole discretion of the district attorney, criminal district
14 attorney, or county attorney, as applicable, and may be used only to
15 defray the salaries and expenses of the prosecutor's office, except
16 that the district attorney, criminal district attorney, or county
17 attorney may not supplement the attorney's own salary from the
18 fund.

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