

By: Perry

S.B. No. 1906

A BILL TO BE ENTITLED

AN ACT

relating to the distribution of certain civil penalties, civil restitution, and other payments 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) Notwithstanding Section 404.094, and subject ~~[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; and

19 (3) any other type of payment a judgment directs to be
20 allocated to the state that is recovered in an action by the
21 attorney general arising from conduct that violates a consumer
22 protection, public health, or general welfare law, after deducting
23 amounts allocated to or retained by the attorney general as
24 authorized by law, unless:

25 (A) another law requires that the payment be
26 credited to a different fund or account; or

27 (B) the judgment awarding the payment requires

1 that the payment be made to the state to be distributed to another
2 named recipient.

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

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