

By: White

H.B. No. 4240

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the consideration of revenue anticipated to be derived from criminal fines in planning for the state budget.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.0075 to read as follows:

Sec. 322.0075. PROHIBITION ON APPROPRIATION BASED ON ANTICIPATED COLLECTION OF FINES; INJUNCTION. (a) In preparing a general appropriations bill for introduction in a regular or special legislative session, the Legislative Budget Board may not consider an amount of state revenue anticipated to be derived from a criminal fine as any part of the basis for proposing an amount to be appropriated for any item of spending unless that revenue is:

(1) dedicated by law to the purpose of that spending;

(2) dedicated by law to the entity for which the appropriation authorizes spending; or

(3) directed by law to be deposited to an account or fund that is dedicated by law to the purpose of that spending.

(b) A person against whom a criminal fine is imposed has standing to bring a lawsuit against this state to enjoin the collection of the fine from any person or the spending in accordance with an appropriation made by the General Appropriations Act of any state revenue derived from the fine collected from any person. A

1 court shall grant the injunction on finding that:

2 (1) the basis for an amount appropriated for an item of
3 spending authorized by the General Appropriations Act is an amount
4 of state revenue anticipated to be derived from the criminal fine;
5 and

6 (2) state revenue derived from the fine is not:

7 (A) dedicated by law to the purpose of that
8 spending;

9 (B) dedicated by law to the entity for which the
10 appropriation authorizes spending; or

11 (C) directed by law to be deposited to an account
12 or fund that is dedicated by law to the purpose of that spending.

13 SECTION 2. This Act takes effect September 1, 2017.