86R23360 TSS-D

By:  Kacal H.B. No. 2311

Substitute the following for H.B. No. 2311:

By:  Biedermann C.S.H.B. No. 2311

A BILL TO BE ENTITLED

AN ACT

relating to the portion retained by a municipality or county of certain fines imposed for a criminal offense.

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

SECTION 1.  Section 542.402, Transportation Code, is amended by amending Subsections (b) and (b-2) and adding Subsection (e-1) to read as follows:

(b)  Except as provided by Subsection (e-1), in [~~In~~] each fiscal year, a municipality having a population of less than 5,000 may retain, from fines collected for violations of this title and from special expenses collected under Article 45.051, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the municipality's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by the audit performed under Section 103.001, Local Government Code. After a municipality has retained that amount, the municipality shall send to the comptroller any portion of a fine or a special expense collected that exceeds $1.

(b-2)  Except as provided by Subsection (e-1), in [~~In~~] each fiscal year, a county described by Subsection (b-1) may retain, from fines collected for violations of this title and from special expenses collected under Article 45.051, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the county's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by an audit performed under Chapter 115, Local Government Code. After a county has retained that amount, the county shall send to the comptroller any portion of a fine or a special expense collected that exceeds $1.

(e-1)  A municipality or county with a population of less than 2,000 shall exclude the fines collected under Section 542.4031 from the fines collected for violations of this title for purposes of determining the amount the municipality or county may retain as provided by Subsections (b) and (b-2).

SECTION 2.  Section 542.4031, Transportation Code, is amended by amending Subsections (f) and (g) and adding Subsection (g-1) to read as follows:

(f)  A [~~municipality or county may retain five percent of the money collected under this section as a service fee for the collection if the~~] municipality or county that remits [~~the~~] funds to the comptroller within the period prescribed in Subsection (e) may retain:

(1)  for a municipality or county with a population of less than 2,000, 33 percent of the money collected under this section as a service fee for the collection;

(2)  for a municipality or county with a population of 2,000 or more, five percent of the money collected under this section as a service fee for the collection; and

(3) [~~. The municipality or county may retain~~] any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury [~~and remits the funds to the comptroller within the period prescribed in Subsection (e)~~].

(g)  Of the money received by the comptroller under this section from a municipality or county with a population of 2,000 or more, the comptroller shall deposit:

(1)  67 percent to the credit of the undedicated portion of the general revenue fund; and

(2)  33 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

(g-1)  Of the money received by the comptroller under this section from a municipality or county with a population of less than 2,000, the comptroller shall deposit:

(1)  53.2 percent to the credit of the undedicated portion of the general revenue fund; and

(2)  46.8 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

SECTION 3.  The change in law made by this Act to Section 542.402, Transportation Code, applies only to a fiscal year beginning on or after the effective date of this Act.

SECTION 4.  The changes in law made by this Act to Section 542.4031, Transportation Code, apply only to a fine collected on conviction of an offense committed on or after the effective date of this Act. A fine collected on conviction of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2019.