S.B. No. 1804

AN ACT

relating to public health and safety; authorizing the imposition of a tax.

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

SECTION 1.  Article 17.49, Code of Criminal Procedure, is amended by adding Subsections (m), (n), (o), (p), (q), (r), (s), and (t) to read as follows:

(m)  As soon as possible but not later than the next business day after the date the magistrate issues an order imposing a condition of bond or modifying or removing a condition imposed under this article, the magistrate shall send a copy of the order to the appropriate attorney representing the state and either to the chief of police in the municipality where the victim of the offense resides, if the victim resides in a municipality, or to the sheriff of the county where the victim resides, if the victim does not reside in a municipality. The clerk of the court shall send a copy of the order to the victim at the victim's last known address as soon as possible but not later than the next business day after the date the order is issued.

(n)  A magistrate or clerk of the court may delay sending a copy of the order under Subsection (m) only if the magistrate or clerk lacks information necessary to ensure service and enforcement.

(o)  If an order described by Subsection (m) prohibits a defendant from going to or near a child care facility or school, the magistrate shall send a copy of the order to the applicable child care facility or school.

(p)  The copy of the order and any related information may be sent under Subsection (m) or (o) electronically or in another manner that can be accessed by the recipient.

(q)  If the victim of the offense is not present when an order described by Subsection (m) is issued, the magistrate shall order a peace officer to make a good faith effort to provide notice of the order to the victim within 24 hours by calling the victim's last known phone number.

(r)  Not later than the third business day after the date of receipt of the copy of an order described by Subsection (m) by the applicable law enforcement agency, the law enforcement agency shall enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety or shall modify or remove that information, as appropriate:

(1)  the information listed in Section 411.042(b)(6), Government Code, as that information relates to an order issued under this article;

(2)  the date the order releasing the defendant on bond was issued; and

(3)  the court that issued the order releasing the defendant on bond.

(s)  The law enforcement agency shall enter the information described by Subsection (r) into the statewide law enforcement information system maintained by the Department of Public Safety:

(1)  in the same manner that the agency enters the information into the system for a protective order or magistrate's order of emergency protection; and

(2)  regardless of whether a protective order or magistrate's order of emergency protection:

(A)  has been issued or has been entered into the system with respect to the defendant; or

(B)  protects the same person as a condition of bond in an order described by Subsection (m).

(t)  The Department of Public Safety shall modify the department's statewide law enforcement information system to:

(1)  enable the system to accept and maintain detailed information regarding the requirements and status of a condition of bond imposed under this article, including information described by Subsection (r), so that a peace officer may:

(A)  easily and quickly search the system by one or more criteria related to the information described by Subsection (r), including the name of the defendant on whom the condition is imposed; and

(B)  retrieve the information necessary to enforce the condition of bond or prevent a violation of the condition; and

(2)  ensure that a person who accesses the system for the purpose of entering, modifying, or removing information that relates to a condition of bond imposed under this article may add or remove notes regarding the condition, the defendant on whom the condition is imposed, or the person protected by the condition.

SECTION 2.  Subchapter A, Chapter 772, Government Code, is amended by adding Section 772.0077 to read as follows:

Sec. 772.0077.  GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a)  In this section:

(1)  "Criminal justice division" means the criminal justice division established under Section 772.006.

(2)  "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b)  The criminal justice division shall establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure. A grant recipient may use funds from a grant awarded under the program only for monitoring conducted for the purpose of restoring a measure of security and safety for a victim of family violence.

(c)  The criminal justice division shall establish:

(1)  additional eligibility criteria for grant applicants;

(2)  grant application procedures;

(3)  guidelines relating to grant amounts;

(4)  procedures for evaluating grant applications; and

(5)  procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d)  The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e)  The criminal justice division may use any revenue available for purposes of this section.

SECTION 3.  Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b)  The proposed budget must contain a complete financial statement of:

(1)  the outstanding obligations of the district;

(2)  the cash on hand in each district fund;

(3)  the money received by the district from all sources during the previous year;

(4)  the money available to the district from all sources during the ensuing year;

(5)  the balances expected at the end of the year in which the budget is being prepared;

(6)  the estimated revenue and balances available to cover the proposed budget;

(7)  the estimated ad valorem tax rate required; and

(8)  the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION 4.  The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION 5.  Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301.  TAX AUTHORIZED. (a)  The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b)  The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302.  APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303.  TAX RATE; CHANGE IN RATE. (a)  The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b)  The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304.  ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305.  ELECTION IN OTHER TAXING AUTHORITY. (a)  In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b)  If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1)  one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2)  the combined tax rate is reduced to not more than two percent as a result of that election.

(c)  This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306.  TAX EFFECTIVE DATE. (a)  The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b)  If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307.  USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION 6.  Section 26.012(1), Tax Code, is amended to read as follows:

(1)  "Additional sales and use tax" means an additional sales and use tax imposed by:

(A)  a city under Section 321.101(b);

(B)  a county under Chapter 323; or

(C)  a hospital district, other than a hospital district:

(i)  created on or after September 1, 2001, that:

(a) [~~(i)~~]  imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or

(b) [~~(ii)~~]  imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or

(ii)  that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

SECTION 7.  Notwithstanding Section 1(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.207(g), Health and Safety Code, as amended by that Act, takes effect September 1, 2021.

SECTION 8.  Notwithstanding Section 3(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.2445, Health and Safety Code, as added by that Act, takes effect September 1, 2021.

SECTION 9.  This Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 1804 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2019, by the following vote: Yeas 27, Nays 3.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 1804 passed the House, with amendments, on May 22, 2019, by the following vote: Yeas 142, Nays 0, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor