

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,

1 an amount equal to 30 percent of the county's revenue for the  
2 preceding fiscal year from all sources, other than federal funds  
3 and bond proceeds, as shown by an audit performed under Chapter 115,  
4 Local Government Code. After a county has retained that amount, the  
5 county shall send to the comptroller any portion of a fine or a  
6 special expense collected that exceeds \$1.

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

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

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

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

23 (2) for a municipality or county with a population of  
24 2,000 or more, five percent of the money collected under this  
25 section as a service fee for the collection; and

26 (3) [~~The municipality or county may retain~~] any  
27 interest accrued on the money if the custodian of the money

1 deposited in the treasury keeps records of the amount of money  
2 collected under this section that is on deposit in the treasury [~~and~~  
3 ~~remits the funds to the comptroller within the period prescribed in~~  
4 ~~Subsection (e)]~~.

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

8 (1) 67 percent to the credit of the undedicated  
9 portion of the general revenue fund; and

10 (2) 33 percent to the credit of the designated trauma  
11 facility and emergency medical services account under Section  
12 [780.003](#), Health and Safety Code.

13 (g-1) Of the money received by the comptroller under this  
14 section from a municipality or county with a population of less than  
15 2,000, the comptroller shall deposit:

16 (1) 53.2 percent to the credit of the undedicated  
17 portion of the general revenue fund; and

18 (2) 46.8 percent to the credit of the designated  
19 trauma facility and emergency medical services account under  
20 Section [780.003](#), Health and Safety Code.

21 SECTION 3. The change in law made by this Act to Section  
22 [542.402](#), Transportation Code, applies only to a fiscal year  
23 beginning on or after the effective date of this Act.

24 SECTION 4. The changes in law made by this Act to Section  
25 [542.4031](#), Transportation Code, apply only to a fine collected on  
26 conviction of an offense committed on or after the effective date of  
27 this Act. A fine collected on conviction of an offense committed

1 before the effective date of this Act is covered by the law in  
2 effect when the offense was committed, and the former law is  
3 continued in effect for that purpose. For purposes of this section,  
4 an offense was committed before the effective date of this Act if  
5 any element of the offense occurred before that date.

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