

By: Kacal

H.B. No. 2311

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 133.102(b), Local Government Code, is amended to read as follows:

(b) The court costs under Subsection (a) shall be collected and remitted to the comptroller in the manner provided by Subchapter B, except that a municipality or county with a population of less than 2,000 may retain 50 percent of the money collected under Subsection (a)(3) as a service fee for the collection if the municipality or county remits the remainder of the money collected within the period prescribed by Section 133.055(a).

SECTION 2. 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

1 federal funds and bond proceeds, as shown by the audit performed
2 under Section 103.001, Local Government Code. After a municipality
3 has retained that amount, the municipality shall send to the
4 comptroller any portion of a fine or a special expense collected
5 that exceeds \$1.

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

17 (e-1) A municipality or county with a population of less
18 than 2,000 shall exclude the fees collected under Section 133.102,
19 Local Government Code, and the fines collected under Section
20 542.4031 from the fines collected for violations of this title for
21 purposes of determining the amount the municipality or county may
22 retain as provided by Subsections (b) and (b-2).

23 SECTION 3. Section 542.4031(f), Transportation Code, is
24 amended to read as follows:

25 (f) A ~~[municipality or county may retain five percent of the~~
26 ~~money collected under this section as a service fee for the~~
27 ~~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, 50 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)]~~].

SECTION 4. The changes in law made by this Act to Sections
[133.102](#), Local Government Code, and [542.4031](#), Transportation Code,
apply only to a fine or fee collected on conviction of an offense
committed on or after the effective date of this Act. A fine or fee
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. 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.

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