

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

1 defendant from going to or near a child care facility or school, the  
2 magistrate shall send a copy of the order to the applicable child  
3 care facility or school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) The criminal justice division shall establish and  
10 administer a grant program to reimburse counties for all or part of  
11 the costs incurred by counties as a result of monitoring in cases  
12 involving family violence defendants and victims who participate in  
13 a global positioning monitoring system under Article 17.292 or  
14 17.49, Code of Criminal Procedure. A grant recipient may use funds  
15 from a grant awarded under the program only for monitoring  
16 conducted for the purpose of restoring a measure of security and  
17 safety for a victim of family violence.

18 (c) The criminal justice division shall establish:

19 (1) additional eligibility criteria for grant  
20 applicants;

21 (2) grant application procedures;

22 (3) guidelines relating to grant amounts;

23 (4) procedures for evaluating grant applications; and

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

27 (d) The criminal justice division shall include in the

1 biennial report required by Section 772.006(a)(9) a detailed  
2 reporting of the results and performance of the grant program  
3 administered under this section.

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

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

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

- 10 (1) the outstanding obligations of the district;
- 11 (2) the cash on hand in each district fund;
- 12 (3) the money received by the district from all  
13 sources during the previous year;
- 14 (4) the money available to the district from all  
15 sources during the ensuing year;
- 16 (5) the balances expected at the end of the year in  
17 which the budget is being prepared;
- 18 (6) the estimated revenue and balances available to  
19 cover the proposed budget;
- 20 (7) the estimated ad valorem tax rate required; and
- 21 (8) the proposed expenditures and disbursements and  
22 the estimated receipts and collections for the following fiscal  
23 year.

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

26 SUBCHAPTER F. AD VALOREM TAXES

27 SECTION 5. Chapter 1061, Special District Local Laws Code,

1 is amended by adding Subchapter G to read as follows:

2 SUBCHAPTER G. SALES AND USE TAX

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

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

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

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

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

26 Sec. 1061.304. ELECTION PROCEDURE. An election to adopt,  
27 change the rate of, or abolish a tax authorized by this subchapter

1 is called by the adoption of an order of the board. The board may  
2 call an election on its own motion and shall call an election if a  
3 number of qualified voters in the district equal to at least five  
4 percent of the number of registered voters in the district  
5 petitions the board to call the election.

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

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

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

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

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

26 Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption,  
27 change in the rate of, or abolition of a tax under this subchapter

1 takes effect on the first day of the first calendar quarter  
2 occurring after the expiration of the first complete calendar  
3 quarter occurring after the date on which the comptroller receives  
4 notice of the results of an election to adopt, change the rate of,  
5 or abolish the tax.

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

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

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

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

- 19 (A) a city under Section 321.101(b);  
20 (B) a county under Chapter 323; or  
21 (C) a hospital district, other than a hospital  
22 district:

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

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

27 (b) [~~(i)~~] imposes the sales and use



1 tax under Subchapter L, Chapter 285, Health and Safety Code; or  
2 (ii) that imposes the sales and use tax  
3 under Subchapter G, Chapter 1061, Special District Local Laws Code.

4 SECTION 7. Notwithstanding Section 1(b), Chapter 790 (H.B.  
5 2662), Acts of the 85th Legislature, Regular Session, 2017, Section  
6 401.207(g), Health and Safety Code, as amended by that Act, takes  
7 effect September 1, 2021.

8 SECTION 8. Notwithstanding Section 3(b), Chapter 790 (H.B.  
9 2662), Acts of the 85th Legislature, Regular Session, 2017, Section  
10 401.2445, Health and Safety Code, as added by that Act, takes effect  
11 September 1, 2021.

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

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President of the Senate

\_\_\_\_\_  
Speaker of the House

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