88R13036 MCF-F

By:  Hughes S.B. No. 1744

A BILL TO BE ENTITLED

AN ACT

relating to financial responsibilities and requirements of community supervision and corrections departments and certain judges.

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

SECTION 1.  Article 42A.652(f), Code of Criminal Procedure, is amended to read as follows:

(f)  A judge shall deposit any reimbursement fee received under this article in the account described by Section 76.009(a-1)(1)(A), Government Code [~~special fund of the county treasury~~], to be used for the same purposes for which state aid may be used under Chapter 76, Government Code.

SECTION 2.  Section 76.004(c), Government Code, is amended to read as follows:

(c)  The judges described by Section 76.002 may appoint for the department a fiscal officer, other than the county auditor.  The fiscal officer is responsible for:

(1)  managing and protecting funds, fees, state aid, and receipts to the same extent that a county auditor manages county funds and funds of other local entities;

(2)  ensuring that financial transactions of the department are lawful and allowable; [~~and~~]

(3)  prescribing accounting procedures for the department; and

(4)  preventing the commingling of funds, fees, and state aid.

SECTION 3.  Section 76.009, Government Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1)  The department shall:

(1)  maintain at least two separate accounts in the special fund of the county treasury described by Section 509.011(c), of which:

(A)  one account must be used for the deposit of all local fees collected, including reimbursement fees and program participant fees; and

(B)  one account must be used for the deposit of state aid received from the division;

(2)  prescribe accounting procedures to prevent the commingling of funds, fees, and state aid; and

(3)  not later than the 90th day after the last day of a state fiscal biennium, transfer any unexpended and unencumbered state aid received by the department for that biennium to the division.

(a-2)  The division shall transfer money received from the department under Subsection (a-1)(3) to the state treasury.

SECTION 4.  Section 76.015(b), Government Code, is amended to read as follows:

(b)  A department that collects a reimbursement fee [~~money~~] under this section shall deposit the fee in the account described by Section 76.009(a-1)(1)(A), to be used for the same purposes for which state aid may be used under this chapter [~~promptly transfer the money collected to the appropriate county or state officer~~].

SECTION 5.  Section 509.011(g), Government Code, is repealed.

SECTION 6.  This Act takes effect September 1, 2023.