

By: Huffman, Kolthorst, Paxton

S.B. No. 740

A BILL TO BE ENTITLED

AN ACT

relating to an election to approve a reduction or reallocation of funding or resources for certain county prosecutors' offices.

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

SECTION 1. The heading to Chapter 120, Local Government Code, is amended to read as follows:

CHAPTER 120. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR CERTAIN PRIMARY LAW ENFORCEMENT AGENCIES AND PROSECUTORS' OFFICES

SECTION 2. Chapter 120, Local Government Code, is amended by adding Section 120.0001 to read as follows:

Sec. 120.0001. DEFINITION. In this chapter, "prosecutor's office" means the office of a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction.

SECTION 3. Sections 120.002(a) and (c), Local Government Code, are amended to read as follows:

(a) Except as provided by Section 120.003, a county shall hold an election in accordance with this chapter if the county adopts a budget for a fiscal year that, compared to the budget adopted by the county for the preceding fiscal year:

(1) reduces for either a law enforcement agency, excluding a 9-1-1 call center, with primary responsibility for policing, criminal investigation, and answering calls for service or for a prosecutor's office:

(A) for a fiscal year in which the overall amount

1 of the budget is equal to or greater than the amount for the
2 preceding fiscal year, the appropriation to the agency or office;

3 (B) for a fiscal year in which the overall amount
4 of the budget is less than the amount for the preceding fiscal year,
5 the appropriation to the agency or office as a percentage of the
6 total budget;

7 (C) as applicable:

8 (i) if the county has not declined in
9 population since the preceding fiscal year, the number of peace
10 officer positions, excluding detention officer positions; or

11 (ii) if the county has declined in
12 population since the preceding fiscal year, the number of peace
13 officer positions, excluding detention officer positions, the law
14 enforcement agency is authorized to employ per 1,000 county
15 residents; or

16 (D) the amount of funding per peace officer for
17 the recruitment and training of new peace officers to fill vacant
18 and new peace officer positions in the agency; or

19 (2) reallocates funding or resources to another law
20 enforcement agency or prosecutor's office.

21 (c) For purposes of this section, a county budget does not
22 include:

23 (1) a one-time extraordinary expense, as determined by
24 the comptroller, that is outside the normal costs of operating a law
25 enforcement agency or prosecutor's office, including purchasing a
26 fleet of law enforcement vehicles or constructing an additional
27 training academy;

1 (2) revenues used to repay voter-approved bonded
2 indebtedness incurred for a law enforcement or prosecutorial
3 purpose;

4 (3) detention officer compensation; or

5 (4) a donation or state or federal grant to the
6 county's law enforcement agency or prosecutor's office.

7 SECTION 4. Section 120.007(c), Local Government Code, is
8 amended to read as follows:

9 (c) Notwithstanding any other law, if the comptroller
10 determines that a county implemented a proposed reduction or
11 reallocation described by Section 120.002(a) without the required
12 voter approval, the county may not adopt an ad valorem tax rate that
13 exceeds the county's no-new-revenue tax rate until the earlier of:

14 (1) the date the comptroller issues a written
15 determination that the county has, as applicable:

16 (A) reversed each funding reduction, adjusted
17 for inflation, and personnel reduction that was a subject of the
18 determination; or

19 (B) restored all reallocated funding and
20 resources that were subjects of the determination to the original
21 law enforcement agency or prosecutor's office; or

22 (2) the date on which each reduction and reallocation
23 that was a subject of the determination has been approved in an
24 election held in accordance with this chapter.

25 SECTION 5. This Act takes effect January 1, 2024.