

BILL ANALYSIS

Senate Research Center

H.B. 3173
By: Hartnett (Brown)
Jurisprudence
5/13/1999
Engrossed

DIGEST

In 1996, the attorney general issued an opinion requiring a justice of the peace (JP), under the Code of Criminal Procedure, to immediately deposit with a county treasurer all funds collected for a county in that county's treasury. In large, sparsely populated counties, this requirement may be impracticable. Nevertheless, a JP's failure to immediately deposit such money may be construed as grounds for dismissal. To ensure that a JP has adequate time to make a deposit, H.B. 3173 amends Chapter 103, Code of Criminal Procedure, to require a JP collecting certain fines, fees, and other monies on behalf of the state (money) to deposit such money in the county treasury not later than the next business day after its collection. However, this bill provides that, if immediate deposit is not practicable, a JP is required to deposit the money in the county treasury not later than the seventh regular business day after their collection. To provide for a county that covers a large area but has a small population, this bill authorizes the commissioners court of a county with a population of less than 50,000 to authorize a JP to deposit money in the county treasury not later than the 30th day after its collection.

PURPOSE

As proposed, H.B. 3173 establishes conditions regarding the duty of an officer to deposit certain moneys in the county treasury.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 103.004, Code of Criminal Procedure, as follows:

Art. 103.004. DISPOSITION OF COLLECTED MONEY. Requires a justice of the peace (JP) who collects recognizances, bail bonds, fines, forfeitures, judgments, jury fees, and other obligations recovered in the name of the state (money) to deposit the money with the county treasurer not later than the next regular business day, rather than immediately. Requires the JP, if the next-business-day deadline is not practicable, to deposit the money on or before the seventh regular business day after receiving the funds. Authorizes the commissioners court of a county with less than 50,000 inhabitants to prize a JP to deposit the money not later than 30 days after collection. Makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.