

BILL ANALYSIS

Senate Research Center
76R3220 KEL-D

S.B. 116
By: Bivins
Education
3/2/1999
As Filed

DIGEST

Currently, in Texas there are approximately 85 school district police departments. Many of these departments issue Class C citations for offenses that occur on school grounds or at school-related functions. The citations are either filed in municipal or justice of the peace courts. The fine proceeds then are deposited into the municipality or county general funds. School districts are not receiving any of the fine proceeds to offset the expense incurred by the districts to employ peace officers to work in the schools (or the cost of overtime that may be incurred by the officers appearing in court). While a municipal or county court does not incur some cost in collecting a fine, the revenue generated by citations issued by school district police departments is largely a windfall for the city or county. S.B.116 requires the revenue generated by Class C citations issued by peace officers commissioned by a school district to be equally dispersed between the school district and the municipality or county that collects the fine.

PURPOSE

As proposed, S.B. 116 requires the disposition of the fines collected from persons arrested or issued citations for certain offenses by a school district peace officer.

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 Chapter 45, Code of Criminal Procedure, by adding Article 45.57, as follows:

Art. 45.57. DISPOSITION OF FINES COLLECTED FROM PERSONS ARRESTED OR ISSUED CITATIONS BY SCHOOL DISTRICT PEACE OFFICER. Provides that this article applies only to fines imposed on a person who is convicted of an offense that is punishable as a Class C misdemeanor that occurs on school district property or at the location of a school-sponsored activity, and was arrested or issued a citation by a school district peace officer. Requires the officer collecting the fine to remit an amount equal to 50 percent of the fine to the school district that employed the peace officer. Provides that, to the extent of any conflict, this article prevails over Articles 45.06 and 103.004. Defines "school district" and "school district peace office."

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

SECTION 3. Emergency clause.