

SUBJECT: Adding the 79th Judicial District to the Professional Prosecutor Act

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Lewis, Farrar, Farney, Gooden, Hernandez Luna, Hunter, K. King, Raymond, S. Thompson
0 nays

WITNESSES: For — Carlos Omar Garcia, 79th Judicial District
On — (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association)
Against — None

BACKGROUND: The Professional Prosecutors Act, Government Code, Ch. 46, ties the salary of elected prosecutors covered by the act to the salary of a Texas district judge, which is \$125,000. Elected prosecutors outside of the act make 80 percent of a district judge’s salary, or \$100,000.
The 79th Judicial District covers Brooks and Jim Wells counties.

DIGEST: HB 1278 would add the 79th Judicial District to the list of jurisdictions covered by the Professional Prosecutors Act.

SUPPORTERS SAY: The 79th Judicial District should be added to the Professional Prosecutors Act because the workload of the elected prosecutor for Brooks and Jim Wells counties has grown to the point that the increase in salary is needed to ensure the prosecutor devotes all of his or her efforts to representing the state. The act enhances the quality of public prosecution in Texas by requiring certain felony prosecutors to give up their private practices in exchange for receiving a salary matching that of a district judge, which is currently \$125,000.
The 79th Judicial District has seen an increase in population and an increase in crime that comes with it. The 79th Judicial District, which runs along U.S. Highway 281, has experienced an increase in transient and

border-related crime, particularly in narcotics trafficking. The state should invest in more prosecutorial resources to stem criminals apprehended in the district to keep them from moving north or south along the highway to other parts of the state. Raising the salary of the prosecutor to the level of the district judge would provide incentive for that person to devote his or her energies full time to protecting the public and allow the office to more quickly clear a backlog of pending cases.

Historically, the Legislature has added felony prosecutor offices into the act when the prosecutor has requested it. The exception was when the 82nd Legislature did not move two prosecutors into the act because of a lack of funding for spending increases. Since the state has seen a dramatic increase in revenue, the state can afford to add the 79th Judicial District to the professional prosecutor act, especially with corresponding benefits to law and order.

OPPONENTS
SAY:

The Legislature should be careful about making long-term funding commitments when it comes to criminal justice matters that may have only a local impact.

NOTES:

According to the fiscal note, HB 1278 would cost the state an additional \$28,394 in general revenue related funds and \$55,674 in all funds in each biennium.

The identical companion bill, SB 479 by Hinojosa, was passed by the Senate by a vote of 30-0 on March 27. It was referred to the House Judiciary and Civil Jurisprudence Committee on April 4.

CSSB 1 includes a rider in article 11 that would raise the annual salary of state district court judges by 10 percent to \$137,500.