

BILL ANALYSIS

Senate Research Center

H.B. 3558
By: Cook (Armbrister)
Criminal Justice
5-2-97
Engrossed

DIGEST

Currently, there is frequent duplication in the prosecution of cases by the offices of the county and district attorneys in Wharton County. The county's population and crime rates, plus this frequent duplication of work, warrants the combining of some duties of the two offices. This combination may offer economic advantages for Wharton County because it should allow for the efficient use of the county's limited resources. This bill would authorize the combination of some of the duties of the county attorney and the district attorney in Wharton County.

PURPOSE

As proposed, H.B. 3558 authorizes the combination of some of the duties of the county attorney and district attorney in Wharton County.

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 Section 43.1775, Government Code, by amending Subsection (b) and by adding Subsection (c), to provide that the district attorney represents the state and performs the duties of prosecutor in all criminal matters before the district and county courts in Wharton County. Provides that the attorney represents the state in proceedings under Title 3, Family Code.

SECTION 2. Amends Chapter 45B, Government Code, by adding Section 45.341, as follows:

Sec. 45.341. WHARTON COUNTY. Provides that the primary duty of the county attorney in Wharton County is to represent the state, Wharton County, and county officials in civil matters. Provides that the county attorney has the powers and duties relating to cases involving protective orders under Chapter 71, Family Code, and cases under Title 5, Family Code, including cases brought for the protection of children. Authorizes the county attorney, at the request of the district attorney, to assist the district attorney in the prosecution of criminal cases in Wharton County.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.