

BILL ANALYSIS

Senate Research Center

H.B. 3572
By: Cook (Armbrister)
Criminal Justice
5-13-97
Engrossed

DIGEST

Currently, Colorado County shares a district attorney for the 25th Judicial District, which is composed of Colorado, Gonzales, Guadalupe, and Lavaca counties. As a result of the large size of this district, grand juries are only held five times a year in Colorado County. Integration of the felony and misdemeanor felony prosecutions in one office would help this small, rural community better utilize its limited resources. High population and crime rates have created the need for a full-time county attorney with the powers and duties of a district attorney, and have raised the need for the application of the Professional Prosecutors Act to the office of county attorney. In Texas, district attorneys may maintain an independent law practice to supplement their pay unless they are listed in the Professional Prosecutors Act, which provides additional state funding to supplement existing salaries in exchange for prohibiting the prosecutor from the private practice of law. H.B. 3572 removes Colorado County from the 25th Judicial District and places the functions of the 25th Judicial District Attorney in the office of the Colorado County Attorney in Colorado County. This bill also includes the Colorado County Attorney in the Professional Prosecutors Act.

PURPOSE

As proposed, H.B. 3572 provides for the powers and the application of the Professional Prosecutors Act to the county attorney for Colorado 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 43.112, Government Code, to provide that the voters of Gonzales, Guadalupe, and Lavaca counties elect a district attorney for the 25th Judicial District who represents the state in that district court only in those counties. Establishes that in addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in all criminal cases in the district courts in those counties. Makes conforming changes.

SECTION 2. Amends Chapter 45B, Government Code, by adding Section 45.145, as follows:

Sec. 45.145. COLORADO COUNTY. Requires the county attorney of Colorado County (county attorney) to perform the duties imposed on and have the powers conferred on district attorneys by general law in Colorado County. Authorizes the county attorney or the Commissioners Court of Colorado County to accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney. Requires the county attorney to account for and report to the commissioners court all gifts and grants accepted under this subsection.

SECTION 3. Amends Section 46.002, Government Code, to make a conforming change.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.