

## BILL ANALYSIS

Senate Research Center  
77R1966 KLA-D

H.B. 178  
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Jurisprudence  
5/3/2001  
Engrossed

### DIGEST AND PURPOSE

In the State of Texas, there are approximately 1,600 assistant district attorneys, assistant criminal district attorneys, and assistant county and district attorneys, many of them having more than four years experience. Although these assistant prosecutors are largely responsible for the enforcement of the state's felony criminal laws in Texas courts, their salaries are paid largely by individual counties. The salaries for experienced prosecutors have lagged behind the salaries available in the private sector for experienced attorneys. H.B. 178 provides state longevity pay for certain assistant felony prosecutors who have accrued at least four years of lifetime service credit.

### RULEMAKING AUTHORITY

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

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 41, Government Code, by adding Subchapter D, as follows:

#### SUBCHAPTER D. LONGEVITY PAY FOR ASSISTANT PROSECUTORS

Sec. 41.251. DEFINITIONS. Defines "assistant prosecutor," "full-time employee," and "part-time employee."

Sec. 41.252. LONGEVITY PAY. Provides that an assistant prosecutor is entitled to longevity pay to be included in the assistant prosecutor's monthly compensation under certain conditions. Requires the district attorney, criminal district attorney, or county attorney in the county in which the assistant prosecutor is employed to certify the eligibility of the assistant prosecutor to receive a longevity pay supplement under this subchapter.

Sec. 41.253. AMOUNT. Provides that the monthly amount of longevity pay is \$20 for each year of lifetime service credit. Provides that the increase is effective beginning with the month following the month in which the fourth year of lifetime service credit is accrued. Prohibits an assistant prosecutor from receiving as longevity pay from the county under this subchapter more than \$20 for each year of lifetime service credit, regardless of the number of positions the assistant prosecutor holds or the number of hours the assistant prosecutor works each week or more than \$5,000 annually.

Sec. 41.254. LIMITATIONS ON LAW PRACTICE. Prohibits an assistant prosecutor who receives longevity pay under this subchapter from engaging in the private practice of law if, from all funds received, the assistant prosecutor receives a salary that is equal to or more than 80 percent of the salary paid by the state to a district judge. Authorizes an assistant prosecutor who becomes subject to this section to complete all civil cases that are not in conflict with the interest of any of the counties of the district in which the assistant prosecutor serves and that are pending in court before the assistant prosecutor exceeds the salary cap.

Sec. 41.255. FUNDING. Requires the county to pay a longevity pay supplement under this subchapter out of the county general fund. Prohibits the county from reducing the salary of the assistant prosecutor to offset the longevity pay supplement. Requires the counties, if an assistant prosecutor performs services for more than one county, to apportion the longevity pay supplement according to the ratio a county's population bears to the total population of the counties in which the assistant prosecutor performs services. Requires the state to reimburse a county for amounts expended for longevity pay supplements under this subchapter. Requires a county seeking reimbursement under this section to certify to the comptroller on a quarterly basis the amount of reimbursement that the county is entitled to receive. Requires the comptroller to issue a warrant to the county in the amount certified.

Sec. 41.256. CHANGE IN STATUS. Provides that if an assistant prosecutor ceases being a full-time employee after the first workday of a month but otherwise qualifies for longevity pay, the assistant prosecutor's compensation for that month includes full longevity pay.

Sec. 41.257. ACCRUAL OF LIFETIME SERVICE CREDIT. Provides that an assistant prosecutor accrues lifetime service credit for the period in which the assistant prosecutor serves as a full-time, part-time, or temporary assistant prosecutor. Provides that an assistant prosecutor who is on leave without pay for an entire calendar month does not accrue lifetime service credit for the month. Provides that an assistant prosecutor who simultaneously holds two or more positions that each accrue lifetime service credit accrues credit for only one of the positions. Provides that an assistant prosecutor who begins working on the first workday of a month in a position that accrues lifetime service credit is considered to have begun working on the first day of the month.

SECTION 2. Effective date: January 1, 2002.

SECTION 3. Provides that Chapter 41D, Government Code, as added by this Act, applies to lifetime service credit accrued under that subchapter before, on, or after the effective date of this Act.