

BILL ANALYSIS

Senate Research Center
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S.B. 910
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no clear process for delegating the responsibilities of a district or county attorney deployed overseas for active military duty. In some cases, a county attorney takes over or a judge appoints another attorney to complete those duties. However, many district or county attorneys have assistants who are well versed and ready to take on those responsibilities in the event of a deployment.

S.B. 910 seeks to clarify that deployed service members are not considered absent and have the ability to appoint an attorney to fulfill their duties. Under this legislation, the court is required to excuse deployed district, county, or criminal district attorneys from appearance or attendance during the term of the court, provided that their responsibilities have been delegated to a first assistant or to another state attorney.

As proposed, S.B. 910 amends current law relating to certain state attorneys called into active duty military service.

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 Section 41.015, as follows:

Sec. 41.015. CALL TO ACTIVE DUTY NOT VACANCY OR ABSENCE. (a) Defines "active duty state attorney" in this section.

(b) Requires a court to excuse from appearance or attendance during the term of the court an active duty state attorney who has delegated the attorney's responsibilities to the attorney's first assistant; or another state attorney in the attorney's jurisdiction or in a jurisdiction overlapping the attorney's jurisdiction who agrees to accept the delegation of responsibilities; and notified the presiding judge of the court's administrative judicial region of the attorney's military duty, mobilization, or deployment, and the identity of the attorney to whom responsibilities were delegated under Subdivision (1).

(c) Provides that an active duty state attorney who complies with Subsection (b) is not absent from office and has not vacated office.

SECTION 2. Amends Section 43.003, Government Code, as follows:

Sec. 43.003. FAILURE TO ATTEND COURT. (a) Creates Subsection (a) from existing text and makes no further changes.

(b) Provides that Subsection (a) (relating to a district attorney who fails to attend any term of the district court of a county) does not apply to a district attorney who complies with Section 41.015.

SECTION 3. Effective date: September 1, 2011.