

BILL ANALYSIS

Senate Research Center
83R16605 YDB-D

H.B. 696
By: Kleinschmidt (Hegar)
Jurisprudence
5/8/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 25th Judicial District includes Colorado, Gonzales, Guadalupe, and Lavaca Counties. Currently, the voters from Gonzales, Guadalupe, and Lavaca Counties elect a district attorney for the judicial district who represents the state in all three of those counties. However, the commissioners court in Gonzales County has expressed a desire to be served by an independent county attorney with felony jurisdiction. H.B. 696 seeks to address this issue by removing Gonzales County from the counties served by the district attorney for the 25th Judicial District and by providing for the county attorney of Gonzales County to perform the duties of a district attorney.

H.B. 696 amends current law relating to the duties of and the application of the professional prosecutors law to the county attorney in Gonzales County and to the duties of the district attorney for the 25th Judicial District.

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 Section 43.112, Government Code, to provide that the voters of Guadalupe and Lavaca counties elect a district attorney for the 25th Judicial District who represents the state in the district courts in those counties, rather than providing 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.

SECTION 2. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.189, as follows:

Sec. 45.189. GONZALES COUNTY. (a) Requires the county attorney of Gonzales County, in Gonzales County, to perform the duties imposed on and have the powers conferred on district attorneys by general law.

(b) Authorizes the county attorney of Gonzales County or the Commissioners Court of Gonzales 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 in Gonzales County. Requires the county attorney to account for and report to the commissioners court all gifts or grants accepted under this subsection.

SECTION 3. Amends Section 46.002, Government Code, to include the county attorney performing the duties of district attorney in Gonzales County to the list of state prosecutors to which this chapter applies.

SECTION 4. Effective date: September 1, 2013.