

## **BILL ANALYSIS**

Senate Research Center  
88R3068 JTZ-F

S.B. 2310  
By: Hinojosa  
Finance  
3/31/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

When the 86th Legislature passed H.B. 2384 in 2019, it adopted a tiered system of compensation for district judges and felony prosecutors based on longevity. During the process, a third tier at 12 years was abandoned, but the judge's longevity increase of 3.1 percent at 16 years was adjusted to five percent at 12 years. This represents an \$8,500 salary increase in year 12. Felony prosecutors are seeking parity with judges by inclusion in the 12-year longevity provision. As of September 1, 2023, this would impact approximately 48 prosecutors in fiscal year 2024 and 49 prosecutors in fiscal year 2025.

S.B. 2310 would restore parity between elected felony prosecutors and judges. The bill would provide a new third salary tier for elected prosecutors with more than 12 years in office, similar to the arrangement judges received when the current salary structure was enacted in 2019.

As proposed, S.B. 2310 amends current law relating to longevity pay for certain prosecutors.

### **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 41.013, Government Code, as follows:

Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Provides that a district attorney or criminal district attorney, except as otherwise provided by law, is entitled to receive from the state:

(1) creates this subdivision from existing text; and

(2) a monthly amount of longevity pay based on the district attorney's or criminal district attorney's years of service that would be paid to the district attorney or criminal district attorney under Section 659.0445 (Longevity Pay for State Judges and Justices) if the district attorney or criminal district attorney were a judge or justice described by Section 659.0445(a) (relating to the qualifications for longevity pay for current judges or justices).

SECTION 2. Amends Section 46.003(a), Government Code, as follows:

(a) Provides that the state prosecuting attorney and each state prosecutor is entitled to receive from the state:

(1) creates this subdivision from existing text; and

(2) a monthly amount of longevity pay based on the state prosecuting attorney's or state prosecutor's years of service that would be paid to the state prosecuting attorney or state prosecutor under Section 659.0445 if the state prosecuting

attorney or state prosecutor were a judge or justice described by Section 659.0445(a).

SECTION 3. Provides that Sections 41.013 and 46.003(a), Government Code, as amended by this Act, apply beginning with the first pay period that begins on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2023.