

By: Cook

H.B. No. 3307

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the official misconduct and removal of district  
3 attorneys and county attorneys.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 87.011 of the Local Government Code is  
6 amended to read as follows:

7 Sec. 87.011. DEFINITIONS. In this subchapter:

8 (1) "District attorney" includes a criminal district  
9 attorney.

10 (2) "Incompetency" means:

11 (A) gross ignorance of official duties;

12 (B) gross carelessness in the discharge of those  
13 duties; or

14 (C) unfitness or inability to promptly and  
15 properly discharge official duties because of a serious physical or  
16 mental defect that did not exist at the time of the officer's  
17 election.

18 (3) "Official misconduct" means intentional, unlawful  
19 behavior relating to official duties by an officer entrusted with  
20 the administration of justice or the execution of the law. The term  
21 includes an intentional or corrupt failure, refusal, or neglect of  
22 an officer to perform a duty imposed on the officer by law. A  
23 district attorney or a county attorney may not announce, adopt, or  
24 implement a formal or stated policy under which the district

1 attorney prohibits or materially limits the enforcement of any  
2 criminal offense, save and except to comply with an injunction,  
3 judgment, or order issued by a court with jurisdiction over the  
4 officer.

5 SECTION 2. Section 87.015 of the Local Government Code is  
6 amended to read as follows:

7 Sec. 87.015. PETITION FOR REMOVAL. (a) A proceeding for  
8 the removal of an officer is begun by filing a written petition for  
9 removal in a district court of the county in which the officer  
10 resides. However, a proceeding for the removal of a district  
11 attorney is begun by filing a written petition in a district court  
12 of:

- 13 (1) the county in which the attorney resides; ~~or~~  
14 (2) the county where the alleged cause of removal  
15 occurred, if that county is in the attorney's judicial district; or  
16 (3) in a county contiguous to where the alleged cause  
17 of removal occurred.

18 (b) Any resident of this state who has lived for at least six  
19 months in the county in which the ~~petition is to be filed~~ alleged  
20 cause of removal occurred and who is not currently under  
21 information or indictment in the such county, may file the  
22 petition. Additionally, a district attorney or a county attorney  
23 in a county contiguous to where the alleged cause of removal  
24 occurred may file a petition in the county where the alleged cause  
25 of removal occurred or in a county contiguous to where the alleged  
26 cause of removal occurred. At least one of the parties who files  
27 the petition must swear to it at or before the filing.

1           (c) The petition must be addressed to the district judge of  
2 the court in which it is filed. The petition must set forth the  
3 grounds alleged for the removal of the officer in plain and  
4 intelligible language and must cite the time and place of the  
5 occurrence of each act alleged as a ground for removal with as much  
6 certainty as the nature of the case permits.

7           SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2023.