

By: Hughes

S.B. No. 1927

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the state prosecuting attorney.

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

SECTION 1. Section 42.001(a), Government Code, is amended to read as follows:

Sec. 42.001. OFFICE; QUALIFICATIONS. (a) The supreme court [~~court of criminal appeals~~] shall appoint a state prosecuting attorney to represent the state in all proceedings before the court. The state prosecuting attorney may also represent the state in any stage of a criminal case before a state court of appeals if he considers it necessary for the interest of the state.

SECTION 2. Section 42.004, Government Code, is amended to read as follows:

Sec. 42.004. REMOVAL. The supreme court [~~court of criminal appeals~~] may remove state prosecuting attorneys from office for good cause.

SECTION 3. The heading to Section 42.005, Government Code, is amended to read as follows:

Sec. 42.005. CONCURRENT JURISDICTION AND COOPERATION WITH OTHER PROSECUTING ATTORNEYS.

SECTION 4. Section 42.005, Government Code, is amended by adding subsection (c) to read as follows:

(c) The state prosecuting attorney shall have concurrent jurisdiction to represent the state in the district and inferior

1 courts in this state in a criminal case in which the criminal
2 conduct alleged relates to:

3 (1) a violation of this state's election laws;

4 (2) a violation of Chapter 170 or 171, Health and Safety
5 Code; or

6 (3) an offense under Chapter 20A, 36, or 39, Penal Code.

7 SECTION 5. This Act takes effect September 1, 2023.