

By: Keel

H.B. No. 1428

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of a criminal case in which a spousal relationship exists between the attorney representing the state and the attorney representing the defendant.

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

SECTION 1. Article 2.08, Code of Criminal Procedure, is amended to read as follows:

Art. 2.08. DISQUALIFIED. (a) District and county attorneys shall not be of counsel adversely to the State in any case, in any court, nor shall they, after they cease to be such officers, be of counsel adversely to the State in any case in which they have been of counsel for the State.

(b) A spousal relationship between an attorney representing the state and an attorney representing a defendant is not a cause for disqualification unless otherwise required by this code, the constitution of this state, or the constitution of the United States.

SECTION 2. This Act takes effect September 1, 2003.