

By: Phillips

H.B. No. 2937

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the office of criminal district  
3 attorney of Grayson County and to the abolition of the office of  
4 county attorney of Grayson County.

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

6 SECTION 1. Section 44.001, Government Code, is amended to  
7 read as follows:

8 Sec. 44.001. ELECTION. The voters of each of the following  
9 counties elect a criminal district attorney: Anderson, Austin,  
10 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,  
11 Comal, Dallas, Deaf Smith, Denton, Eastland, Galveston, Grayson,  
12 Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson,  
13 Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola,  
14 Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor,  
15 Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood,  
16 and Yoakum.

17 SECTION 2. Subchapter B, Chapter 44, Government Code, is  
18 amended by adding Section 44.191 to read as follows:

19 Sec. 44.191. GRAYSON COUNTY. (a) The criminal district  
20 attorney shall attend each term and session of the district courts  
21 in Grayson County and each term and session of the inferior courts  
22 of the county held for the transaction of criminal business and  
23 shall exclusively represent the state in all criminal matters  
24 before those courts.

1       (b) The criminal district attorney shall perform the duties  
2 conferred by law on county and district attorneys in the various  
3 counties and districts.

4       (c) The criminal district attorney shall collect the fees,  
5 commissions, and perquisites that are provided by law for similar  
6 services rendered by a district or county attorney.

7       (d) The criminal district attorney is entitled to receive in  
8 equal monthly installments compensation from the state equal to the  
9 amount paid by the state to district attorneys. The state  
10 compensation shall be paid by the comptroller as appropriated by  
11 the legislature.

12       (e) A vacancy in the office of criminal district attorney is  
13 filled by appointment by the Commissioners Court of Grayson County.  
14 The appointee holds office until the next general election.

15       SECTION 3. Section 46.002, Government Code, is amended to  
16 read as follows:

17       Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
18 applies to all county prosecutors and to the following state  
19 prosecutors:

20             (1) the district attorneys for the 1st, 2nd, 8th, 9th,  
21 12th, 18th, 21st, 23rd, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th,  
22 35th, 36th, 38th, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,  
23 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,  
24 97th, 100th, 105th, 106th, 110th, 118th, 119th, 123rd, 142nd,  
25 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,  
26 235th, 253rd, 259th, 266th, 268th, 271st, 278th, 286th, 329th,  
27 349th, and 355th judicial districts;

1           (2) the criminal district attorneys for the counties  
2 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
3 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
4 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,  
5 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,  
6 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,  
7 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,  
8 Wichita, Wood, and Yoakum; and

9           (3) the county attorneys performing the duties of  
10 district attorneys in the counties of Andrews, Callahan, Cameron,  
11 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone,  
12 [~~Grayson~~] Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam,  
13 Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk,  
14 Terry, Webb, and Willacy.

15           SECTION 4. Section 45.191, Government Code, is repealed.

16           SECTION 5. The office of county attorney of Grayson County  
17 is abolished.

18           SECTION 6. Notwithstanding Section 41.010, Government  
19 Code, the initial vacancy in the office of criminal district  
20 attorney of Grayson County on creation of the office shall be filled  
21 by election. The office of criminal district attorney of Grayson  
22 County exists for the purposes of the primary and general elections  
23 in 2004. The qualified voters of the county shall elect the initial  
24 criminal district attorney of Grayson County at the general  
25 election in 2004 for a four-year term beginning January 1, 2005.  
26 Thereafter, the criminal district attorney of Grayson County shall  
27 be elected for a four-year term as provided by Section 65, Article

1 XVI, Texas Constitution. A vacancy after the initial vacancy is  
2 filled as provided by Section 44.191(e), Government Code, as added  
3 by this Act.

4 SECTION 7. (a) Except as provided by Subsection (b) of this  
5 section, this Act takes effect January 1, 2004.

6 (b) Sections 4 and 5 of this Act take effect January 1, 2005.