

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 2937
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2003, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the office of criminal district
1-9 attorney of Grayson County and to the abolition of the office of
1-10 county attorney of Grayson County.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 44.001, Government Code, is amended to
1-13 read as follows:

1-14 Sec. 44.001. ELECTION. The voters of each of the following
1-15 counties elect a criminal district attorney: Anderson, Austin,
1-16 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
1-17 Comal, Dallas, Deaf Smith, Denton, Eastland, Galveston, Grayson,
1-18 Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson,
1-19 Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola,
1-20 Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor,
1-21 Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood,
1-22 and Yoakum.

1-23 SECTION 2. Subchapter B, Chapter 44, Government Code, is
1-24 amended by adding Section 44.191 to read as follows:

1-25 Sec. 44.191. GRAYSON COUNTY. (a) The criminal district
1-26 attorney shall attend each term and session of the district courts
1-27 in Grayson County and each term and session of the inferior courts
1-28 of the county held for the transaction of criminal business and
1-29 shall exclusively represent the state in all criminal matters
1-30 before those courts.

1-31 (b) The criminal district attorney shall perform the duties
1-32 conferred by law on county and district attorneys in the various
1-33 counties and districts.

1-34 (c) The criminal district attorney shall collect the fees,
1-35 commissions, and perquisites that are provided by law for similar
1-36 services rendered by a district or county attorney.

1-37 (d) The criminal district attorney is entitled to receive in
1-38 equal monthly installments compensation from the state equal to the
1-39 amount paid by the state to district attorneys. The state
1-40 compensation shall be paid by the comptroller as appropriated by
1-41 the legislature.

1-42 (e) A vacancy in the office of criminal district attorney is
1-43 filled by appointment by the Commissioners Court of Grayson County.
1-44 The appointee holds office until the next general election.

1-45 SECTION 3. Section 46.002, Government Code, is amended to
1-46 read as follows:

1-47 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
1-48 applies to all county prosecutors and to the following state
1-49 prosecutors:

1-50 (1) the district attorneys for the 1st, 2nd, 8th, 9th,
1-51 12th, 18th, 21st, 23rd, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th,
1-52 35th, 36th, 38th, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
1-53 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
1-54 97th, 100th, 105th, 106th, 110th, 118th, 119th, 123rd, 142nd,
1-55 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,
1-56 235th, 253rd, 259th, 266th, 268th, 271st, 278th, 286th, 329th,
1-57 349th, and 355th judicial districts;

1-58 (2) the criminal district attorneys for the counties
1-59 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
1-60 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
1-61 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
1-62 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
1-63 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
1-64 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,

2-1 Wichita, Wood, and Yoakum; and

2-2 (3) the county attorneys performing the duties of
2-3 district attorneys in the counties of Andrews, Callahan, Cameron,
2-4 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone,
2-5 [~~Grayson~~] Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam,
2-6 Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk,
2-7 Terry, Webb, and Willacy.

2-8 SECTION 4. Section 45.191, Government Code, is repealed.

2-9 SECTION 5. The office of county attorney of Grayson County
2-10 is abolished.

2-11 SECTION 6. Notwithstanding Section 41.010, Government
2-12 Code, the initial vacancy in the office of criminal district
2-13 attorney of Grayson County on creation of the office shall be filled
2-14 by election. The office of criminal district attorney of Grayson
2-15 County exists for the purposes of the primary and general elections
2-16 in 2004. The qualified voters of the county shall elect the initial
2-17 criminal district attorney of Grayson County at the general
2-18 election in 2004 for a four-year term beginning January 1, 2005.
2-19 Thereafter, the criminal district attorney of Grayson County shall
2-20 be elected for a four-year term as provided by Section 65, Article
2-21 XVI, Texas Constitution. A vacancy after the initial vacancy is
2-22 filled as provided by Section 44.191(e), Government Code, as added
2-23 by this Act.

2-24 SECTION 7. (a) Except as provided by Subsection (b) of this
2-25 section, this Act takes effect January 1, 2004.

2-26 (b) Sections 4 and 5 of this Act take effect January 1, 2005.

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