

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 5, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1932** by Ogden (Relating to the performance of the duties of a district attorney by the Prison Prosecution Unit in case of a vacancy in certain counties.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Article 2.07 of the Code of Criminal Procedure. The bill would apply to a county that has a population under 14,000 and borders the county in which a prison prosecution unit is located. In such counties, if the district attorney's office is vacant, the bill would allow an attorney of the prison prosecution unit to perform the duties of a district attorney until the vacancy is filled. The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature; otherwise, it would take effect September 1, 2003. The bill would expire February 1, 2005.

There are two counties with a population of under 14,000 that border the county in which a prison prosecution unit is located: Trinity (population 13,779) and Madison (12,940). According to information provided by the Comptroller of Public Accounts, the district attorney position in Trinity County is currently vacant.

Under current statute and in accordance with Attorney General Opinion No. MW-80, the county would be responsible for compensation for the attorney from the prison prosecution unit for duties performed as the county's district attorney; therefore, according to the Comptroller, there would be no fiscal impact to the state.

The fiscal impact to the county would depend on the number and complexity of cases for which an attorney from the prison prosecution unit performs the duties of district attorney. Because the county would otherwise have a district attorney, it is assumed that compensation is budgeted for those duties.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:**

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