

1-1 By: Staples S.B. No. 792
1-2 (In the Senate - Filed February 28, 2005; March 10, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 17, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 17, 2005, sent to printer.)

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

1-8 relating to the duties of the county attorney in Montgomery County.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 45, Government Code, is
1-11 amended by adding Section 45.270 to read as follows:

1-12 Sec. 45.270. MONTGOMERY COUNTY. (a) The county attorney
1-13 of Montgomery County, or the county attorney's assistants, shall
1-14 represent the state, Montgomery County, and the officials of the
1-15 county in all civil matters pending before a court of Montgomery
1-16 County or any other court.

1-17 (b) The county attorney has the powers, duties, and
1-18 privileges in Montgomery County relating to:

1-19 (1) civil commitment matters under Subtitle C, Title
1-20 7, Health and Safety Code;

1-21 (2) juvenile matters, including proceedings under
1-22 Title 3, Family Code;

1-23 (3) child protective services; and

1-24 (4) protective orders under Title 4, Family Code.

1-25 (c) Notwithstanding Subsection (a), the commissioners court
1-26 in Montgomery County may retain independent counsel in any civil
1-27 matter.

1-28 SECTION 2. This Act takes effect immediately if it receives
1-29 a vote of two-thirds of all the members elected to each house, as
1-30 provided by Section 39, Article III, Texas Constitution. If this
1-31 Act does not receive the vote necessary for immediate effect, this
1-32 Act takes effect September 1, 2005.

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