

BILL ANALYSIS

Senate Research Center
80R2478 KFF-D

H.B. 421
By: Phillips (Deuell)
Jurisprudence
4/20/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Generally, county attorneys prosecute civil cases. In Fannin County, however, the county attorney performs the duties of criminal district attorney, holding jurisdiction over felony criminal cases. Acting as a criminal district attorney while retaining the title of county attorney presents some confusion.

H.B. 421 creates the office of criminal district attorney in Fannin County and prescribes the duties of and compensation for the office. This bill also abolishes the office of the county attorney of Fannin County.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 44.001, Government Code, to add Fannin County to the list of counties that hold an election for a criminal district attorney.

SECTION 2. Amends Subchapter B, Chapter 44, Government Code, by adding Section 44.174, as follows:

Sec. 44.174. FANNIN COUNTY. (a) Requires the criminal district attorney (attorney) to attend each term and session of the district courts in Fannin County and each term and session of the inferior courts of the county held for the transaction of criminal business and requires the attorney to exclusively represent the state in all criminal matters before those courts.

(b) Requires the attorney to perform the duties conferred by law on county and district attorneys in the various counties and districts.

(c) Requires the attorney to collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) Entitles the attorney to receive in equal monthly installments compensation from the state equal to the state amount paid by the comptroller of public accounts as appropriated by the legislature.

SECTION 3. Amends Section 46.002, Government Code, to make conforming changes.

SECTION 4. Amends Section 46.002, Government Code, effective January 1, 2009, to make a conforming change.

SECTION 5. Abolishes the office of county attorney of Fannin County.

SECTION 6. Effective date: September 1, 2007.