

BILL ANALYSIS

Senate Research Center

S.B. 497
By: Duncan
Jurisprudence
6/29/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Professional Prosecutors Act (Chapter 46, Government Code) entitles state and county prosecutors to a guaranteed salary by the state and a small stipend for office operations. The Office of the State Prosecuting Attorney was established to represent the state in criminal cases before the Court of Criminal Appeals. The state prosecuting attorney is not covered under the Professional Prosecutors Act.

S.B. 497 adds the state prosecuting attorney to the list of prosecutors covered by the Professional Prosecutors Act.

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 46.001, Government Code, by adding Subdivision (4), to define "state prosecuting attorney."

SECTION 2. Amends Section 46.002, Government Code, to include the state prosecuting attorney among the other county and state prosecutors to which this section is applicable.

SECTION 3. Amends Section 46.002, Government Code, effective January 1, 2009, to make conforming changes.

SECTION 4. Amends Section 46.003(a), Government Code, to entitle the state prosecuting attorney and each state prosecutor to receive from the state compensation equal to the compensation that is provided for a district judge in the General Appropriations Act.

SECTION 5. Amends Section 46.004, Government Code, to make conforming changes.

SECTION 6. Amends Sections 46.005(a) and (b), Government Code, to prohibit the state prosecuting attorney or a state prosecutor from engaging in the private practice of law but authorizes the person to complete certain cases before the person takes office. Prohibits a state prosecuting attorney from accepting a fee from an attorney to whom a case has been referred.

SECTION 7. Effective date: September 1, 2007.