

BILL ANALYSIS

S.B. 2037
By: Ogden
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Section 41.102, Government Code, requires the Attorney General (AG) to wait for a request from a prosecuting attorney before the AG may assist that prosecuting attorney in a criminal case or in performing any duty imposed by law on the prosecuting attorney. This current requirement is problematic in that a prosecuting attorney may need such assistance but not request such assistance. The failure to request such assistance may prevent or otherwise impair the prosecution of a criminal case or the performance of a duty imposed by law on the prosecuting attorney.

Senate Bill 2037 authorizes the Attorney General to offer assistance to a prosecuting attorney regarding the prosecution of any criminal case or in performing any duty imposed by law on the prosecuting attorney. This bill does not require the prosecutor to accept the offer of assistance.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 2037 amends Subsection (b), Section 41.102, Government Code, to provide that, in addition to a prosecuting attorney requesting the assistance of the attorney general, the attorney general may offer the assistance of his office to the prosecuting attorney, regarding the prosecution of all manner of criminal case or in performing any duty imposed by law on the prosecuting attorney. The bill also provides that in requesting or accepting such assistance from the attorney general, a prosecuting attorney may appoint any assistant attorney general as an assistant prosecuting attorney.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.