

AN ACT

relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 44.001, Government Code, is amended to read as follows:

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum.

SECTION 2. Subchapter B, Chapter 44, Government Code, is amended by adding Section 44.174 to read as follows:

Sec. 44.174. FANNIN COUNTY. (a) The criminal district attorney shall 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 shall exclusively represent the state in all criminal matters before those courts.

1 (b) The criminal district attorney shall perform the duties
2 conferred by law on county and district attorneys in the various
3 counties and districts.

4 (c) The criminal district attorney shall collect the fees,
5 commissions, and perquisites that are provided by law for similar
6 services rendered by a district or county attorney.

7 (d) The criminal district attorney is entitled to receive in
8 equal monthly installments compensation from the state equal to the
9 amount paid by the state to district attorneys. The state
10 compensation shall be paid by the comptroller as appropriated by
11 the legislature.

12 SECTION 3. Effective January 1, 2009, Section 46.002,
13 Government Code, is amended to read as follows:

14 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
15 applies to all county prosecutors and to the following state
16 prosecutors:

17 (1) the district attorneys for the 1st, 2nd, 8th, 9th,
18 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd,
19 34th, 35th, 36th, 38th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd,
20 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,
21 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th, 119th,
22 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th,
23 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st,
24 278th, 286th, 329th, 344th, 349th, and 355th judicial districts;

25 (2) the criminal district attorneys for the counties
26 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
27 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,

1 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
2 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
3 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
4 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
5 Waller, Wichita, Wood, and Yoakum; and

6 (3) the county attorneys performing the duties of
7 district attorneys in the counties of Andrews, Callahan, Cameron,
8 Castro, Colorado, Crosby, Ellis, Falls, [~~Fannin~~] Freestone,
9 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,
10 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb,
11 and Willacy.

12 SECTION 4. The office of county attorney of Fannin County is
13 abolished on January 1, 2009.

14 SECTION 5. Notwithstanding Section 41.010, Government
15 Code, the initial vacancy in the office of criminal district
16 attorney of Fannin County on creation of the office shall be filled
17 by election. The office of criminal district attorney of Fannin
18 County exists only for the purposes of the primary and general
19 elections in 2008. The qualified voters of the county shall elect
20 the initial criminal district attorney of Fannin County at the
21 general election in 2008 for a four-year term beginning January 1,
22 2009. Thereafter, the criminal district attorney of Fannin County
23 shall be elected for a four-year term as provided by Section 30,
24 Article V, Texas Constitution. A vacancy after the initial vacancy
25 is filled as provided by Section 12, Article IV, Texas
26 Constitution.

27 SECTION 6. This Act takes effect January 1, 2008.

President of the Senate

Speaker of the House

I certify that H.B. No. 421 was passed by the House on April 5, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 421 on May 15, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 421 was passed by the Senate, with amendments, on May 11, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor