

By: Phillips

H.B. No. 421

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

19 Sec. 44.174. FANNIN COUNTY. (a) The criminal district  
20 attorney shall attend each term and session of the district courts  
21 in Fannin County and each term and session of the inferior courts of  
22 the county held for the transaction of criminal business and shall  
23 exclusively represent the state in all criminal matters before  
24 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. Section 46.002, Government Code, is amended to  
13 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, 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. 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 5. The office of county attorney of Fannin County is  
13 abolished.

14           SECTION 6. This Act takes effect September 1, 2007.