

1-1 By: Phillips (Senate Sponsor - Deuell) H.B. No. 421  
1-2 (In the Senate - Received from the House April 10, 2007;  
1-3 April 11, 2007, read first time and referred to Committee on  
1-4 Jurisprudence; May 3, 2007, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; May 3, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the office of criminal district  
1-9 attorney of Fannin County and to the abolition of the office of  
1-10 county attorney of Fannin County.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 44.001, Government Code, is amended to  
1-13 read as follows:

1-14 Sec. 44.001. ELECTION. The voters of each of the following  
1-15 counties elect a criminal district attorney: Anderson, Austin,  
1-16 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,  
1-17 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,  
1-18 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,  
1-19 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,  
1-20 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,  
1-21 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,  
1-22 Wichita, Wood, and Yoakum.

1-23 SECTION 2. Subchapter B, Chapter 44, Government Code, is  
1-24 amended by adding Section 44.174 to read as follows:

1-25 Sec. 44.174. FANNIN COUNTY. (a) The criminal district  
1-26 attorney shall attend each term and session of the district courts  
1-27 in Fannin County and each term and session of the inferior courts of  
1-28 the county held for the transaction of criminal business and shall  
1-29 exclusively represent the state in all criminal matters before  
1-30 those courts.

1-31 (b) The criminal district attorney shall perform the duties  
1-32 conferred by law on county and district attorneys in the various  
1-33 counties and districts.

1-34 (c) The criminal district attorney shall collect the fees,  
1-35 commissions, and perquisites that are provided by law for similar  
1-36 services rendered by a district or county attorney.

1-37 (d) The criminal district attorney is entitled to receive in  
1-38 equal monthly installments compensation from the state equal to the  
1-39 amount paid by the state to district attorneys. The state  
1-40 compensation shall be paid by the comptroller as appropriated by  
1-41 the legislature.

1-42 SECTION 3. Section 46.002, Government Code, is amended to  
1-43 read as follows:

1-44 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
1-45 applies to all county prosecutors and to the following state  
1-46 prosecutors:

1-47 (1) the district attorneys for the 1st, 2nd, 8th, 9th,  
1-48 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd,  
1-49 34th, 35th, 36th, 38th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd,  
1-50 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,  
1-51 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th, 119th,  
1-52 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th,  
1-53 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st,  
1-54 278th, 286th, 329th, 349th, and 355th judicial districts;

1-55 (2) the criminal district attorneys for the counties  
1-56 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
1-57 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
1-58 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,  
1-59 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,  
1-60 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,  
1-61 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,  
1-62 Waller, Wichita, Wood, and Yoakum; and

1-63 (3) the county attorneys performing the duties of  
1-64 district attorneys in the counties of Andrews, Callahan, Cameron,

2-1 Castro, Colorado, Crosby, Ellis, Falls, [~~Fannin~~] Freestone,  
2-2 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,  
2-3 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb,  
2-4 and Willacy.

2-5 SECTION 4. Effective January 1, 2009, Section 46.002,  
2-6 Government Code, is amended to read as follows:

2-7 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
2-8 applies to all county prosecutors and to the following state  
2-9 prosecutors:

2-10 (1) the district attorneys for the 1st, 2nd, 8th, 9th,  
2-11 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd,  
2-12 34th, 35th, 36th, 38th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd,  
2-13 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,  
2-14 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th, 119th,  
2-15 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th,  
2-16 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st,  
2-17 278th, 286th, 329th, 344th, 349th, and 355th judicial districts;

2-18 (2) the criminal district attorneys for the counties  
2-19 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
2-20 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
2-21 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,  
2-22 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,  
2-23 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,  
2-24 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,  
2-25 Waller, Wichita, Wood, and Yoakum; and

2-26 (3) the county attorneys performing the duties of  
2-27 district attorneys in the counties of Andrews, Callahan, Cameron,  
2-28 Castro, Colorado, Crosby, Ellis, Falls, [~~Fannin~~] Freestone,  
2-29 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,  
2-30 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb,  
2-31 and Willacy.

2-32 SECTION 5. The office of county attorney of Fannin County is  
2-33 abolished.

2-34 SECTION 6. This Act takes effect September 1, 2007.

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