

By: Dunnam

H.B. No. 3384

A BILL TO BE ENTITLED

AN ACT

relating to creating the office of district attorney for the 201st
Judicial District

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

SECTION 1. Chapter 43, Government Code, is amended by
adding Section 43.1651 to read as follows:

Sec. 43.1651. 201st JUDICIAL DISTRICT. (a) A district
attorney for the 201st Judicial District is chosen as provided in
Subsection (b).

(b)(1) Each person named on the list maintained under
Section 74.055 who served as a judge of the Court of Criminal
Appeals and did not fail to be renominated for election to that
court is a member of the board of appointment for the 201st Judicial
District.

(2) Whenever there is a vacancy in the office of
district attorney for the 201st Judicial District, the judge of the
201st District Court, not later than the 10th day after the date the
vacancy is created, shall summon each member of the board to the
courthouse at which the court holds its sessions for the purpose of
appointing the district attorney for the 201st Judicial District.
The judge of the 201st District Court presides at meetings of the
board until the board elects a presiding officer.

(3) The board shall appoint the district attorney for
the 201st Judicial District. To be appointed district attorney, a

1 person must be board-certified in criminal law by the Texas Board of
2 Legal Specialization and may not have served as a public or private
3 attorney for any public officer nominated for election by a
4 political party during the preceding 10 years.

5 (4) The board's appointment shall be entered in the
6 minutes of the 201st District Court. The person appointed district
7 attorney qualifies by taking the oath required of state officials.
8 The district attorney serves without bond. The oath and the bond
9 shall be filed in the district clerk's office.

10 (5) The governor may not appoint a person to fill any
11 vacancy in the office of district attorney of the 201st Judicial
12 District pending the convening of the board of appointment.

13 (c) The district attorney for the 201st Judicial District is
14 entitled to compensation equal to the compensation paid to a
15 district judge in Travis County. The district attorney for the
16 201st Judicial District serves a term of four years.

17 (d) The district attorney for the 201st Judicial District
18 may appoint assistant district attorneys. A person may not be
19 appointed as an assistant district attorney appointed under this
20 section if the person served as the employee of a public officer
21 nominated for election by a political party during the preceding 10
22 years. Before beginning any duties, an assistant district attorney
23 must take the official oath of office, which must be endorsed on his
24 written appointment. An assistant district attorney serves without
25 bond. The appointment and oath of an assistant district attorney
26 shall be recorded and deposited in the district clerk's office.

27 (e) An investigator appointed by the district attorney for

1 the 201st Judicial District has the same authority as the sheriff of
2 a county to make arrests anywhere in any county of the state and to
3 serve anywhere in the state warrants, capiases, subpoenas in
4 criminal cases, and all other processes in criminal cases issued by
5 a district court, county court, or justice court of this state. An
6 investigator is under the exclusive authority and direction of the
7 district attorney for the 201st Judicial District and is not under
8 the authority and direction of the sheriff. The district attorney
9 for the 201st Judicial District is responsible for the official
10 acts of investigators appointed under this subsection and has the
11 same remedies against the investigators and their sureties as any
12 person has against a prosecuting attorney and the prosecuting
13 attorney's sureties. An investigator may not draw a fee of any
14 character for performing a duty prescribe by this subsection.

15 (f) The commission shall pay the salaries of the district
16 attorney for the 201st Judicial District and any assistant district
17 attorneys and investigators from money appropriated or otherwise
18 available to the commission, except to the extent that money to pay
19 the salary is specifically appropriated or made available through
20 the budget execution process for that purpose.

21 (g) A limit provided by appropriation on the amount of
22 reimbursement that state officers or members of state boards and
23 commissions may generally receive does not apply to reimbursement
24 of the reasonable and necessary expenses incurred by district
25 attorney for the 201st Judicial District in the course of
26 performing duties under this section.

27 (h) The reasonable and necessary expenses incurred by the

1 district attorney for the 201st Judicial District in the course of
2 performing duties under this section shall be paid from funds
3 appropriated or otherwise available to the commission, except to
4 the extent that money to pay those expenses is specifically
5 appropriated or made available through the budget execution process
6 for that purpose.

7 (i) The department shall provide the district attorney for
8 the 201st Judicial District with administrative services and
9 investigative support. The administrative services and
10 investigative support shall be paid from funds appropriated or
11 otherwise available to the department or commission, except to the
12 extent that money to pay those expenses is specifically
13 appropriated or made available through the budget execution process
14 for that purpose.

15 (j) Notwithstanding any other provision of law, the
16 district attorney for the 201st Judicial District:

17 (1) may conduct any investigation concerning illegal or
18 improper conduct by commission officers or employees jeopardizing
19 the health, safety, and welfare of children in the commission's
20 custody and related conduct; and

21 (2) may appear in any court in the state as necessary to
22 ensure the health, safety, and welfare of children in the
23 commission's custody or the protection of any whistleblower
24 providing information about the commission's inability to ensure
25 the health, safety and welfare of children in the commission's
26 custody.

27 (k) As used in this section:

1 (1) "Commission" means the Texas Youth Commission.

2 (2) "Department" means the Department of Public
3 Safety.

4 (1) The section expires September 1, 2011, and the
5 office of district attorney is abolished on that date.

6 SECTION 2. The judge of the 201st District Court shall
7 convene the board of appointment as established by Section 43.1651,
8 Government Code, as added by this Act, not later than the 10th day
9 after the effective of this Act. The governor may not appoint a
10 person to fill any vacancy in the office of district attorney of the
11 201st Judicial District pending the convening of the board of
12 appointment.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect on the 91st day after the last day of the
18 legislative session.