

By: Duncan

S.B. No. 497

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of the professional prosecutors law to
3 the state prosecuting attorney.

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

5 SECTION 1. Section 46.001, Government Code, is amended by
6 adding Subdivision (4) to read as follows:

7 (4) "State prosecuting attorney" means the state
8 prosecuting attorney appointed under Chapter 42.

9 SECTION 2. Section 46.002, Government Code, is amended to
10 read as follows:

11 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
12 applies to the state prosecuting attorney, all county prosecutors,
13 and ~~to~~ the following state prosecutors:

14 (1) the district attorneys for the 1st, 2nd, 8th, 9th,
15 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd,
16 34th, 35th, 36th, 38th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd,
17 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,
18 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th, 119th,
19 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th,
20 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st,
21 278th, 286th, 329th, 349th, and 355th judicial districts;

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

1 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
2 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
3 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
4 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
5 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, Lamar,
9 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
10 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
11 Willacy.

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 the state prosecuting attorney, all county prosecutors,
16 and ~~to~~ the following state 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 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
2 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
3 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
4 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
5 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, Lamar,
9 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
10 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
11 Willacy.

12 SECTION 4. Section 46.003(a), Government Code, is amended
13 to read as follows:

14 (a) The state prosecuting attorney and each ~~[Each]~~ state
15 prosecutor is entitled to receive from the state compensation equal
16 to the compensation that is provided for a district judge in the
17 General Appropriations Act.

18 SECTION 5. Section 46.004, Government Code, is amended to
19 read as follows:

20 Sec. 46.004. EXPENSES. (a) The state prosecuting attorney
21 and each ~~[Each]~~ state prosecutor is entitled to receive not less
22 than \$22,500 a year from the state to be used by the attorney or
23 prosecutor to help defray the salaries and expenses of the office.
24 That money may not be used to supplement the attorney's or
25 prosecutor's salary.

26 (b) The state prosecuting attorney and each ~~[Each]~~ state
27 prosecutor shall submit annually to the comptroller of public

1 accounts a sworn account showing how this money was spent during the
2 year.

3 SECTION 6. Sections 46.005(a) and (b), Government Code, are
4 amended to read as follows:

5 (a) The state prosecuting attorney or a [A] state prosecutor
6 may not engage in the private practice of law but may complete all
7 civil cases that are not in conflict with the interest of any of the
8 counties of the district in which the attorney or prosecutor serves
9 and that are pending in court before the attorney or prosecutor
10 takes office.

11 (b) The state prosecuting attorney or a [A] state prosecutor
12 may not accept a fee from an attorney to whom the state prosecuting
13 attorney or state prosecutor has referred a case.

14 SECTION 7. This Act takes effect September 1, 2007.