

1-1 By: Duncan S.B. No. 497
1-2 (In the Senate - Filed February 7, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 12, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 12, 2007, sent to printer.)

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

1-8 relating to the application of the professional prosecutors law to
1-9 the state prosecuting attorney.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 46.001, Government Code, is amended by
1-12 adding Subdivision (4) to read as follows:

1-13 (4) "State prosecuting attorney" means the state
1-14 prosecuting attorney appointed under Chapter 42.

1-15 SECTION 2. Section 46.002, Government Code, is amended to
1-16 read as follows:

1-17 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
1-18 applies to the state prosecuting attorney, all county prosecutors,
1-19 and ~~[to]~~ the following state prosecutors:

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

1-28 (2) the criminal district attorneys for the counties
1-29 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
1-30 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
1-31 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
1-32 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
1-33 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
1-34 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
1-35 Wichita, Wood, and Yoakum; and

1-36 (3) the county attorneys performing the duties of
1-37 district attorneys in the counties of Andrews, Callahan, Cameron,
1-38 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
1-39 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
1-40 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
1-41 Willacy.

1-42 SECTION 3. Effective January 1, 2009, Section 46.002,
1-43 Government Code, is amended to read as follows:

1-44 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
1-45 applies to the state prosecuting attorney, all county prosecutors,
1-46 and ~~[to]~~ the following state 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, 344th, 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 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
1-59 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
1-60 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
1-61 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
1-62 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, Lamar,
2-2 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
2-3 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
2-4 Willacy.

2-5 SECTION 4. Subsection (a), Section 46.003, Government Code,
2-6 is amended to read as follows:

2-7 (a) The state prosecuting attorney and each ~~[Each]~~ state
2-8 prosecutor is entitled to receive from the state compensation equal
2-9 to the compensation that is provided for a district judge in the
2-10 General Appropriations Act.

2-11 SECTION 5. Section 46.004, Government Code, is amended to
2-12 read as follows:

2-13 Sec. 46.004. EXPENSES. (a) The state prosecuting attorney
2-14 and each ~~[Each]~~ state prosecutor is entitled to receive not less
2-15 than \$22,500 a year from the state to be used by the attorney or
2-16 prosecutor to help defray the salaries and expenses of the office.
2-17 That money may not be used to supplement the attorney's or
2-18 prosecutor's salary.

2-19 (b) The state prosecuting attorney and each ~~[Each]~~ state
2-20 prosecutor shall submit annually to the comptroller of public
2-21 accounts a sworn account showing how this money was spent during the
2-22 year.

2-23 SECTION 6. Subsections (a) and (b), Section 46.005,
2-24 Government Code, are amended to read as follows:

2-25 (a) The state prosecuting attorney or a [A] state prosecutor
2-26 may not engage in the private practice of law but may complete all
2-27 civil cases that are not in conflict with the interest of any of the
2-28 counties of the district in which the attorney or prosecutor serves
2-29 and that are pending in court before the attorney or prosecutor
2-30 takes office.

2-31 (b) The state prosecuting attorney or a [A] state prosecutor
2-32 may not accept a fee from an attorney to whom the state prosecuting
2-33 attorney or state prosecutor has referred a case.

2-34 SECTION 7. This Act takes effect September 1, 2007.

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