

By: Lucio

S.B. No. 1814

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the office of district attorney for
3 Kenedy and Kleberg Counties and the district attorney for the 105th
4 Judicial District.

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

6 SECTION 1. Section 43.148, Government Code, is amended to
7 read as follows:

8 Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of
9 Nueces County [~~the 105th Judicial District~~] elect a district
10 attorney for the 105th Judicial District who [~~The district~~
11 ~~attorney~~] has the same powers and duties as other district
12 attorneys and serves all the district, county, and justice courts
13 of Nueces County [~~and the district courts of Kleberg and Kenedy~~
14 ~~counties~~].

15 (b) The district attorney shall attend each term and session
16 of the district, county, and justice courts of Nueces County [~~and~~
17 ~~the district courts of Kleberg and Kenedy counties~~] and shall
18 represent the state in criminal cases pending in those courts. The
19 district attorney has control of any case heard on petition of writ
20 of habeas corpus before any district or inferior court in the
21 district.

22 (c) The commissioners court [~~courts~~] of Nueces County [~~the~~
23 ~~counties comprising the district~~] may supplement the state salary
24 of the district attorney. The amount of the supplement may not

1 exceed \$12,000 a year. [~~The supplemental salary must be paid~~
2 ~~proportionately by the commissioners court of each county according~~
3 ~~to the population of the county.~~] The supplemental salary may be
4 paid from the officers' salary fund of the [a] county. If that fund
5 is inadequate, the commissioners court may transfer the necessary
6 funds from the general fund of the county.

7 SECTION 2. Subchapter B, Chapter 43, Government Code, is
8 amended by adding Section 43.182 to read as follows:

9 Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY
10 COUNTIES. (a) The voters of Kleberg and Kenedy Counties elect a
11 district attorney. The district attorney has the same powers and
12 duties as other district attorneys and serves the district courts
13 of Kleberg and Kenedy Counties.

14 (b) The district attorney shall attend each term and session
15 of the district courts of Kleberg and Kenedy Counties and shall
16 represent the state in criminal cases pending in those courts. The
17 district attorney has control of any case heard on petition of writ
18 of habeas corpus before any district or inferior court in the
19 district.

20 (c) The commissioners courts of the counties comprising the
21 district may supplement the state salary of the district attorney.
22 The amount of the supplement may not exceed \$12,000 a year. The
23 supplemental salary must be paid proportionately by the
24 commissioners court of each county according to the population of
25 the county. The supplemental salary may be paid from the officers'
26 salary fund of a county. If that fund is inadequate, the
27 commissioners court may transfer the necessary funds from the

1 general fund of the county.

2 SECTION 3. Section 46.002, Government Code, is amended to
3 read as follows:

4 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
5 applies to all county prosecutors and to the following state
6 prosecutors:

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

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

24 (3) the county attorneys performing the duties of
25 district attorneys in the counties of Andrews, Callahan, Cameron,
26 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
27 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,

1 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
2 Willacy.

3 SECTION 4. Effective January 1, 2009, Section 46.002,
4 Government Code, is amended to read as follows:

5 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
6 applies to all county prosecutors and to the following state
7 prosecutors:

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

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

25 (3) the county attorneys performing the duties of
26 district attorneys in the counties of Andrews, Callahan, Cameron,
27 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,

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1 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
2 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
3 Willacy.

4 SECTION 5. This Act takes effect September 1, 2007.