

1-1 By: Lucio S.B. No. 1814
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 16, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 16, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1814 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the office of district attorney for
1-11 Kenedy and Kleberg Counties and the district attorney for the 105th
1-12 Judicial District.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 43.148, Government Code, is amended to
1-15 read as follows:

1-16 Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of
1-17 Nueces County [~~the 105th Judicial District~~] elect a district
1-18 attorney for the 105th Judicial District who [~~. The district~~
1-19 ~~attorney~~] has the same powers and duties as other district
1-20 attorneys and serves all the district, county, and justice courts
1-21 of Nueces County [~~and the district courts of Kleberg and Kenedy~~
1-22 ~~counties~~].

1-23 (b) The district attorney shall attend each term and session
1-24 of the district, county, and justice courts of Nueces County [~~and~~
1-25 ~~the district courts of Kleberg and Kenedy counties~~] and shall
1-26 represent the state in criminal cases pending in those courts. The
1-27 district attorney has control of any case heard on petition of writ
1-28 of habeas corpus before any district or inferior court in the
1-29 district.

1-30 (c) The commissioners court [~~courts~~] of Nueces County [~~the~~
1-31 ~~counties comprising the district~~] may supplement the state salary
1-32 of the district attorney. The amount of the supplement may not
1-33 exceed \$12,000 a year. [~~The supplemental salary must be paid~~
1-34 ~~proportionately by the commissioners court of each county according~~
1-35 ~~to the population of the county.~~] The supplemental salary may be
1-36 paid from the officers' salary fund of the [~~a~~] county. If that fund
1-37 is inadequate, the commissioners court may transfer the necessary
1-38 funds from the general fund of the county.

1-39 SECTION 2. Subchapter B, Chapter 43, Government Code, is
1-40 amended by adding Section 43.182 to read as follows:

1-41 Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY
1-42 COUNTIES. (a) The voters of Kleberg and Kenedy Counties elect a
1-43 district attorney. The district attorney has the same powers and
1-44 duties as other district attorneys and serves the district courts
1-45 of Kleberg and Kenedy Counties.

1-46 (b) The district attorney shall attend each term and session
1-47 of the district courts of Kleberg and Kenedy Counties and shall
1-48 represent the state in criminal cases pending in those courts. The
1-49 district attorney has control of any case heard on petition of writ
1-50 of habeas corpus before any district or inferior court in the
1-51 district.

1-52 (c) The commissioners courts of the counties comprising the
1-53 district may supplement the state salary of the district attorney.
1-54 The amount of the supplement may not exceed \$12,000 a year. The
1-55 supplemental salary must be paid proportionately by the
1-56 commissioners court of each county according to the population of
1-57 the county. The supplemental salary may be paid from the officers'
1-58 salary fund of a county. If that fund is inadequate, the
1-59 commissioners court may transfer the necessary funds from the
1-60 general fund of the county.

1-61 SECTION 3. Section 46.002, Government Code, is amended to
1-62 read as follows:

1-63 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter

2-1 applies to all county prosecutors and to the following state
2-2 prosecutors:

2-3 (1) the district attorneys for Kenedy and Kleberg
2-4 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
2-5 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
2-6 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th,
2-7 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th,
2-8 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd, 145th,
2-9 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th,
2-10 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th, 329th,
2-11 349th, and 355th judicial districts;

2-12 (2) the criminal district attorneys for the counties
2-13 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
2-14 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
2-15 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
2-16 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
2-17 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
2-18 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
2-19 Wichita, Wood, and Yoakum; and

2-20 (3) the county attorneys performing the duties of
2-21 district attorneys in the counties of Andrews, Callahan, Cameron,
2-22 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
2-23 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
2-24 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
2-25 Willacy.

2-26 SECTION 4. Effective January 1, 2009, Section 46.002,
2-27 Government Code, is amended to read as follows:

2-28 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
2-29 applies to all county prosecutors and to the following state
2-30 prosecutors:

2-31 (1) the district attorneys for Kenedy and Kleberg
2-32 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
2-33 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
2-34 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th,
2-35 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th,
2-36 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd, 145th,
2-37 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th,
2-38 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th, 329th,
2-39 344th, 349th, and 355th judicial districts;

2-40 (2) the criminal district attorneys for the counties
2-41 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
2-42 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
2-43 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
2-44 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
2-45 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
2-46 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
2-47 Wichita, Wood, and Yoakum; and

2-48 (3) the county attorneys performing the duties of
2-49 district attorneys in the counties of Andrews, Callahan, Cameron,
2-50 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
2-51 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
2-52 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
2-53 Willacy.

2-54 SECTION 5. This Act takes effect September 1, 2007.

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