

SENATE AMENDMENTS

2nd Printing

By: Phillips

H.B. No. 421

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the creation of the office of criminal district
3 attorney of Fannin County and to the abolition of the office of
4 county attorney of Fannin County.

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

6 SECTION 1. Section 44.001, Government Code, is amended to
7 read as follows:

8 Sec. 44.001. ELECTION. The voters of each of the following
9 counties elect a criminal district attorney: Anderson, Austin,
10 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
11 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
12 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
13 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
14 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
15 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
16 Wichita, Wood, and Yoakum.

17 SECTION 2. Subchapter B, Chapter 44, Government Code, is
18 amended by adding Section 44.174 to read as follows:

19 Sec. 44.174. FANNIN COUNTY. (a) The criminal district
20 attorney shall attend each term and session of the district courts
21 in Fannin County and each term and session of the inferior courts of
22 the county held for the transaction of criminal business and shall
23 exclusively represent the state in all criminal matters before
24 those courts.

1 (b) The criminal district attorney shall perform the duties
2 conferred by law on county and district attorneys in the various
3 counties and districts.

4 (c) The criminal district attorney shall collect the fees,
5 commissions, and perquisites that are provided by law for similar
6 services rendered by a district or county attorney.

7 (d) The criminal district attorney is entitled to receive in
8 equal monthly installments compensation from the state equal to the
9 amount paid by the state to district attorneys. The state
10 compensation shall be paid by the comptroller as appropriated by
11 the legislature.

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

14 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
15 applies to all county prosecutors and to the following state
16 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, 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 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
2 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
3 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
4 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
5 Waller, 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,
9 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,
10 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb,
11 and Willacy.

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

12 SECTION 5. The office of county attorney of Fannin County is
13 abolished.

14 SECTION 6. This Act takes effect September 1, 2007.

ADOPTED

MAY 11 2007

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Deuell*

1 Amend H.B. No. 421 (Senate Committee Printing) as follows:

2 (1) Strike SECTION 3 of the bill (page 1, line 42, through
3 page 2, line 4) and renumber subsequent SECTIONS of the bill
4 accordingly.

5 (2) In SECTION 5 of the bill (page 2, line 33), between
6 "abolished" and the period, insert "on January 1, 2009".

7 (3) Strike SECTION 6 of the bill (page 2, line 34) and
8 substitute the following appropriately numbered SECTIONS:

9 SECTION _____. Notwithstanding Section 41.010, Government
10 Code, the initial vacancy in the office of criminal district
11 attorney of Fannin County on creation of the office shall be filled
12 by election. The office of criminal district attorney of Fannin
13 County exists only for the purposes of the primary and general
14 elections in 2008. The qualified voters of the county shall elect
15 the initial criminal district attorney of Fannin County at the
16 general election in 2008 for a four-year term beginning January 1,
17 2009. Thereafter, the criminal district attorney of Fannin County
18 shall be elected for a four-year term as provided by Section 30,
19 Article V, Texas Constitution. A vacancy after the initial vacancy
20 is filled as provided by Section 12, Article IV, Texas
21 Constitution.

22 SECTION _____. This Act takes effect January 1, 2008.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 12, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB421 by Phillips (Relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create the position of Criminal District Attorney in Fannin County and abolish the position of County Attorney. The bill would take effect September 1, 2007.

Under the Professional Prosecutor's Act (PPA), the State pays criminal district attorneys, and county attorneys performing the duties of district attorneys who serve in a district or county listed in Section 46.002 of the Government Code, an annual salary of \$125,000. Currently, Fannin County is one of the counties listed in Section 46.002, and its county attorney performs the duties of a district attorney. Since the proposed criminal district attorney would be paid the same salary as the current county attorney, there would be no additional cost to the State or to Fannin County.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, ZS, TB, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB421 by Phillips (Relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create the position of Criminal District Attorney in Fannin County and abolish the position of County Attorney. The bill would take effect September 1, 2007.

Under the Professional Prosecutor's Act (PPA), the State pays criminal district attorneys, and county attorneys performing the duties of district attorneys who serve in a district or county listed in Section 46.002 of the Government Code, an annual salary of \$125,000. Currently, Fannin County is one of the counties listed in Section 46.002, and its county attorney performs the duties of a district attorney. Since the proposed criminal district attorney would be paid the same salary as the current county attorney, there would be no additional cost to the State or to Fannin County.

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