

BILL ANALYSIS

Senate Research Center

S.B. 1166
By: Duncan
Jurisprudence
9/15/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Hale County district attorney currently prosecutes both felony and misdemeanor cases in Hale County as well as all felony cases in Swisher County. Due to the heavy trial case load in Hale County for both misdemeanor and felony cases, it is difficult for the Hale County district attorney to devote the time and attention necessary to address the unique and special needs regarding felony prosecution in Swisher County.

The county attorney of Swisher County currently represents the state in all matters other than felonies, including, but not limited to, misdemeanors, protective orders, and cases involving juveniles in Swisher County. Many criminal matters involve both misdemeanor and felony offenses, and this legislation would allow the county attorney of Swisher County to handle all criminal cases in a seamless and effective manner.

S.B. 1166 amends current law relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.134(a), Government Code, to provide that the voters of Hale County, rather than Hale and Swisher counties, elect a district attorney for the 64th Judicial District who represents the state in the district court only in Hale County, rather than those counties.

SECTION 2. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.319, as follows:

Sec. 45.319. SWISHER COUNTY. Requires the county attorney in Swisher County to represent the state in all matters pending before the district court in Swisher County.

SECTION 3. Amends Section 46.002, Government Code, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter applies to the state prosecuting attorney, all county prosecutors, and state prosecutors, including the county attorney performing the duties of district attorneys in certain counties, including Swisher.

SECTION 4. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 5. Effective date: September 1, 2009.