

## **BILL ANALYSIS**

Senate Research Center  
81R8943 YDB-D

S.B. 1166  
By: Duncan  
Jurisprudence  
4/6/2009  
As Filed

### **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.

As proposed, S.B. 1166 provides that the Hale County district attorney will retain jurisdiction in Hale County, but will be elected only by the voters of Hale County. The bill provides that the county attorney of Swisher County, who is elected by the voters of Swisher County, will represent the state in all matters in Swisher County, including misdemeanor and felony cases and all other matters before the district and county courts. S.B. 1166 includes the county attorney of Swisher County in the list of county attorneys to whom Chapter 46 (Professional Prosecutors), Government Code, applies, including provisions placing limitations on his or her private practice of law.

### **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. Effective date: September 1, 2009.