

BILL ANALYSIS

S.B. 910
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the process for delegating the responsibilities of a district or county attorney deployed overseas for active military duty is unclear. In some cases, a county attorney takes over, or, in other cases, a judge appoints another attorney to complete applicable duties. The parties contend, however, that many district or county attorneys have assistants who are well versed and ready to take on the responsibilities of the district or county attorney in the event of a deployment. S.B. 910 seeks to address this issue by establishing provisions relating to certain state attorneys called into active duty military service.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 910 amends the Government Code to require a court to excuse from appearance or attendance during the term of the court an active duty state attorney who has delegated the attorney's responsibilities to the attorney's first assistant or to another state attorney in the attorney's jurisdiction or in a jurisdiction overlapping the attorney's jurisdiction who agrees to accept the delegation of responsibilities; and who has notified the presiding judge of the court's administrative judicial region of the attorney's military duty, mobilization, or deployment and the identity of the attorney to whom responsibilities were delegated. The bill specifies that an active duty state attorney who complies with the delegation and notification requirements is not absent from office and has not vacated office. The bill exempts a district attorney who complies with the requirements from provisions relating to a failure to attend court.

S.B. 910 defines "active duty state attorney" as a district attorney, criminal district attorney, or county attorney who is on active duty or being mobilized or deployed for active duty as a member of the National Guard, the armed forces of the United States, a reserve component of the armed forces of the United States or the National Guard, or any part of state military forces.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.